

FEDERAL REGISTER

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Agencies in this issue—

The President
Agricultural Stabilization and
Conservation Service
Business and Defense Services
Administration
Census Bureau
Civil Aeronautics Board
Consumer and Marketing Service
Defense Department
Emergency Planning Office
Engineers Corps
Federal Aviation Administration
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Maritime Commission
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
International Commerce Bureau
Interstate Commerce Commission
Labor Department
Labor Standards Bureau
Land Management Bureau
National Bureau of Standards
National Park Service

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How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been in-

cluded. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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Title 3—THE PRESIDENT

Proclamation 3780

DISCOVER AMERICA PLANNING WEEK

By the President of the United States of America

A Proclamation

The discovery of America began many centuries ago, but it is not yet ended. It is a continuing experience. Each year, more and more Americans—and friends from other lands—are discovering anew our Nation's bountiful store of natural and cultural treasure.

America is blessed with a wealth of scenic beauty of widely varied kinds. It is rich in historical, cultural, educational, and technological attractions. It is abundant in recreational opportunities and facilities. Its people are hospitable.

As the summer of 1967 approaches, more travelers than ever before are preparing for that experience of discovery. It is estimated that 140 million United States citizens will journey this year to some part of our broad and diverse Nation for pleasure. In addition, some 9 million visitors from other lands will come here to share the enjoyments which our country offers.

This travel is good for America and its people. In economic terms, it will bring into circulation an estimated \$26 billion. Even more important are the memorable contributions which travel makes to the health, happiness and mutual understanding of all people.

It is appropriate that a period of time be set aside in which attention can be focused on the benefits which travel in the United States will bring to the Nation, its citizens and its visitors.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the period of April 16-22, 1967, to be DISCOVER AMERICA PLANNING WEEK throughout the Nation.

In the interest of making 1967 a better travel year than ever for the United States, I urge all individuals, businesses, industries, and civic and other organizations to give the observance their fullest cooperation and support. This can be done by encouraging Americans and the citizens of other lands to discover and enjoy the scenic, historical, recreational, cultural, educational and industrial attractions of the United States, its territories, and possessions, and the Commonwealth of Puerto Rico.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.



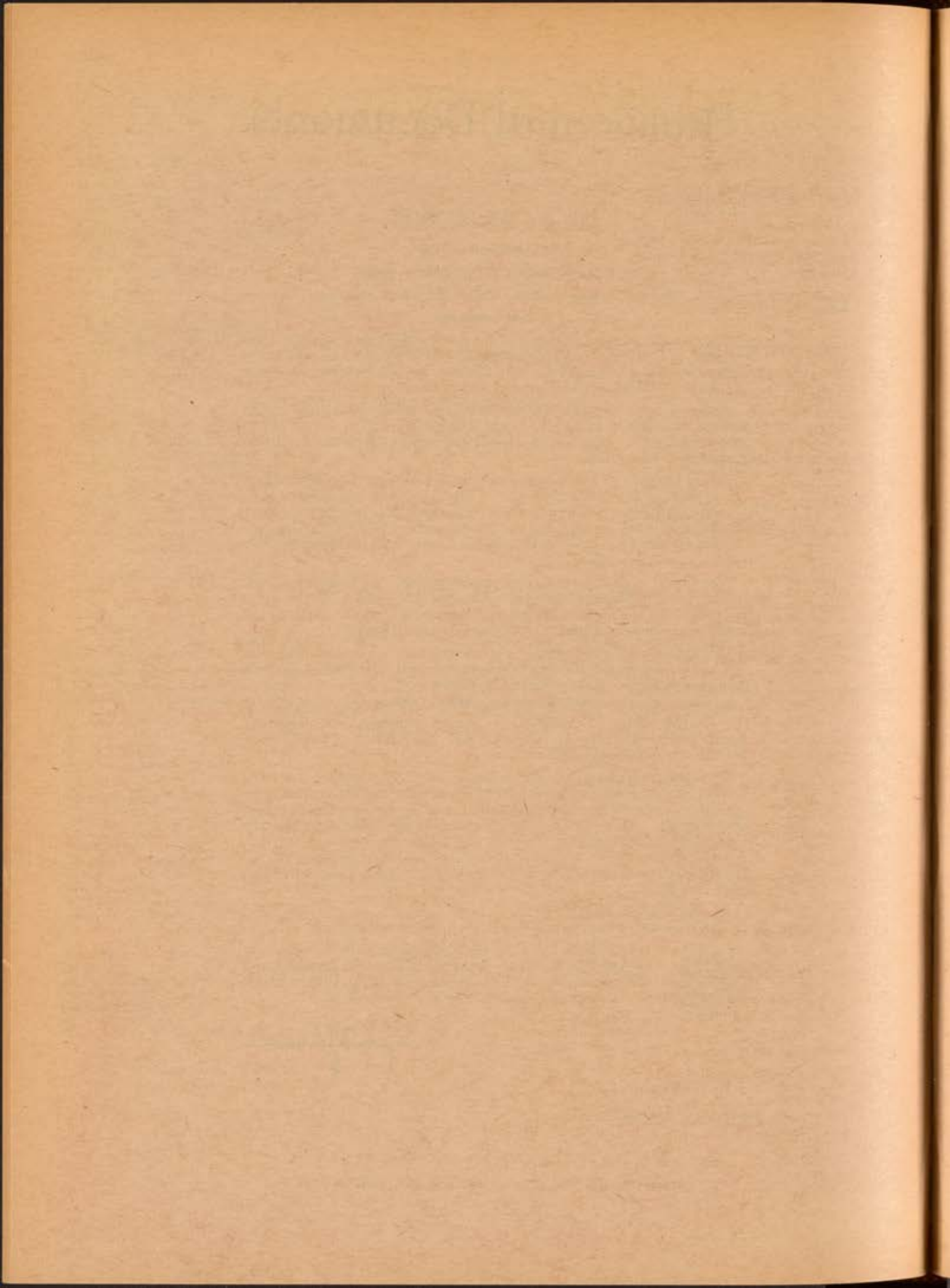
DONE at the City of Washington this fifteenth day of April in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

By the President:

Secretary of State.

[F.R. Doc. 67-4406; Filed, Apr. 18, 1967; 12:49 p.m.]

FEDERAL REGISTER, VOL. 32, NO. 75—WEDNESDAY, APRIL 19, 1967



Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 722—COTTON

Subpart—1967-69 Upland Cotton Program Regulations

ADDITIONAL PROVISIONS RELATING TO TENANTS AND SHARECROPPERS

Section 722.817 of the regulations governing the 1967-69 Upland Cotton Program, 32 F.R. 2931, is hereby amended by adding a new paragraph (c) to read as follows:

§ 722.817 Additional provisions relating to tenants and sharecroppers.

(c) Notwithstanding any other provision of this section, a landlord or operator who in the past had tenants or sharecroppers on his land for purposes of producing cotton may pay these individuals on a wage basis and this action will not be considered as reducing the number of tenants or sharecroppers provided such individuals are classified as employees under the Fair Labor Standards Act.

(Sec. 103(d), 79 Stat. 1194, 7 U.S.C. 1444(d))

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 13, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-4257; Filed, Apr. 18, 1967; 8:46 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 5]

PART 775—FEED GRAINS

Subpart—1966-69 Feed Grain Program Regulations

ADDITIONAL PROVISIONS RELATING TO TENANTS AND SHARECROPPERS

Section 775.419 of the regulations governing the 1966-69 Feed Grain Program, 31 F.R. 8339, as amended, is hereby further amended by adding a new paragraph (c) to read as follows:

§ 775.419 Additional provisions relating to tenants and sharecroppers.

(c) Notwithstanding any other provision of this section, a landlord or operator who in the past had tenants or sharecroppers on his land for purposes of producing feed grains may pay these individuals on a wage basis and this action will not be considered as reducing the number of tenants or sharecroppers provided such individuals are classified as employees under the Fair Labor Standards Act.

(Sec. 16(i), 79 Stat. 1190, 16 U.S.C. 590p(i); sec. 105(e), 79 Stat. 1188, as amended, 7 U.S.C. 1441 note)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 13, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-4258; Filed, Apr. 18, 1967; 8:46 a.m.]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Interpretation

The following interpretation of § 777.18 (b) of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502) is issued. In connection with recent examinations of flour processors' plants by representatives of the U.S. Department of Agriculture, the question has arisen as to the meaning of the term "blending" appearing in § 777.18(b) as it applies to the eligibility for refund of the flour second clears so produced. This paragraph reads as follows:

(b) *Blending by the processor.* A processor may blend together quantities of flour second clears produced by him (including quantities of flour second clears produced from different classes of wheat and quantities of flour second clears produced in two or more plants) without the blended lot thereby becoming ineligible for refund. If the processor blends flour second clears with either nonqualifying clears, other types of flour or any other ingredient, or if the processor blends flour second clears produced by him with flour second clears produced by a different processor, the entire blended quantity shall be ineligible for refund unless the blending is accomplished in a plant in which the processor, acting as an industrial user, uses the blended lot in the production of a product not used for human consumption. The processor shall issue only one original Form CCC-165 for each shipment unit of blended flour second clears. If the blend is constituted in whole or in part of flour second

clears produced by the processor in a different plant than the plant in which the blending is accomplished, a separate Form CCC-165 must be issued by each plant from which the flour second clears were transferred and such form must be retained in the records of the plant in which the blending is accomplished to identify the use of such flour second clears in the blend.

Blending is considered to have occurred under the regulations if a processor mixes together quantities of flour second clears or mixes together flour second clears with nonqualifying clears, other types of flour or other ingredients in the following circumstances:

1. If the products mixed together were produced from different classes of wheat even though such products were produced in the same plant as where the mixing occurs.

2. If the products mixed together were produced in two or more plants.

3. If one or more of such products had been binned or packaged prior to the mixing operations even though all the products mixed may have been produced in the same plant as where the mixing occurs.

The resulting blended quantities shall qualify for refund if (i) each component in the blend meets the definition of flour second clears (see § 777.3(u)), and (ii) all of the clears in the blend were produced by the processor who blended the clears together. If the processor blends flour second clears with either nonqualifying clears, other types of flour or any other ingredient, or if the processor blends flour second clears produced by him with flour second clears produced by a different processor, the entire blended quantity shall be ineligible for refund unless the blending is accomplished in a plant in which the processor, acting as an industrial user, uses the blended lot in the production of a product not used for human consumption.

On the other hand, blending is not considered to have occurred for the purpose of the regulations, if a product had been processed at a plant from flour streams produced in one or more units at the same plant and from the same class of wheat and the combining of the streams occurs prior to binning or packaging of such streams. In such case the resulting product would qualify as flour second clears if it meets the requirements of § 777.3(u), regardless of whether all of the streams conformed to this definition prior to the time the combining occurred.

Signed at Washington, D.C., on April 13, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-4259; Filed, Apr. 18, 1967; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture
[Valencia Orange Reg. 196, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provision in paragraph (b) (1) (i) and (ii) of § 908.496 (Valencia Orange Reg. 196, 32 F.R. 5729) are hereby amended to read as follows:

§ 908.496 Valencia Orange Regulation 196.

(b) *Order.* (1) * * *

(i) District 1: Unlimited movement;

(iii) District 3: Unlimited movement.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 14, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 67-4260; Filed, Apr. 18, 1967; 8:46 a.m.]

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

PART 1201—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Subpart—Expenses and Rate of Assessment

Notice was published in the FEDERAL REGISTER on March 21, 1967 (32 F.R. 4314), that there were under consideration proposals regarding expenses of the Control Committee (established under the Amended Marketing Agreement and Amended Order No. 195 (7 CFR Part 1201)) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia and related rate of assessment for the fiscal period ending January 31, 1968. The amended marketing agreement and amended order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

After consideration of all relevant matter presented, including the aforesaid notice, it is hereby found as follows with respect to the expenses of the Control Committee for the fiscal period ending January 31, 1968, and the related assessment rate:

§ 1201.300 Expenses and rate of assessment for the fiscal period ending January 31, 1968.

(a) *Expenses:* Expenses in the amount of \$8,500 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1968.

(b) *Rate of assessment:* The rate of assessment which each handler shall pay, in accordance with the applicable provisions of said amended marketing agreement and amended order, as his pro rata share of the aforesaid expenses is hereby fixed at \$1.25 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1968.

(c) *Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.*

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (a) the relevant provisions of said amended marketing agreement and amended order require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable tobacco handled during such fiscal period, and (b) the current fiscal period began February 1, 1967, and the rate of assessment herein fixed will automatically apply to all such

assessable tobacco beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 13, 1967.

STEPHEN E. WRATHER,
Director, Tobacco Division,
Consumer and Marketing Service.
[F.R. Doc. 67-4260; Filed, Apr. 18, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-80-27]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment is to modify Restricted Area R-5306C, Cherry Point, N.C.

The Department of the Navy has informed the Federal Aviation Administration that it is necessary to modify R-5306C in order to facilitate helicopter instrument procedures at New River Marine Corps Air Station, N.C. Accordingly, action is taken herein to modify the boundary of R-5306C.

Since this amendment reduces the burden on the public, notice and public procedure hereon are unnecessary and this amendment may be made effective on less than 30 days' notice.

In § 73.53 (32 F.R. 2324) Restricted Area R-5306C is amended, effective upon publication in the FEDERAL REGISTER, by deleting the boundary description and substituting therefore:

Boundaries. Beginning at latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°38'12" N., longitude 77°26'00" W.; to latitude 34°40'20" N., longitude 77°22'12" W.; to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 11, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.
[F.R. Doc. 67-4254; Filed, Apr. 18, 1967; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-18]

PART 387—ORGANIZATION AND OPERATION DURING EMERGENCY CONDITIONS

Deletion of Director, Bureau of Safety, From Order of Succession

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of April 1967.

By Executive Order 11340 (32 F.R. 5453), the Department of Transportation Act became effective as of April 1, 1967, and the Board's safety functions and the Bureau of Safety were transferred to the Department of Transportation. The Director, Bureau of Safety, was among the Board staff members to whom, during emergency conditions, the Board has delegated authority to act in the name of the Board or as Chairman of the Board under certain contingencies specified in § 387.4 (c) and (d) of the Organization Regulations. Since the Director, Bureau of Safety, is no longer a member of the Board's staff, § 387.4 is being amended to reflect this change.

This regulation is issued by the undersigned, pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.20, and shall become effective 20 days after publication in the FEDERAL REGISTER. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50-385.54).

Accordingly, the Board hereby amends paragraphs (c) and (d) of § 387.4 (14 CFR 387.4 (c) and (d)), effective May 9, 1967, to read as follows:

§ 387.4 Organization and delegations of authority.

During emergency conditions:

(c) In the event no Board Member is capable of acting, actions in the name and authority of the Board shall be taken by the following: The Executive Director; the Director, Bureau of Economics; the General Counsel; the Director, Bureau of Operating Rights; and the Director, Bureau of Enforcement. If one or more of them cannot act, his or their deputies or staff in line of succession as provided in paragraph (g) of this section shall act. The authority of the above designees, or their successors, shall mean and include the delegated authority to act for the Board.

(d) The authority of the Chairman, in the event he is incapacitated or incapable of acting, shall be exercised by the Vice Chairman, and in the event he is unable to act, by the other Members of the Board in order of seniority; if any Board Member is unable to act as Chairman, then members of the Board's staff shall act as Chairman in the following order: The Executive Director; the Director, Bureau of Economics; the General Counsel; the Director, Bureau of Operating Rights; the Director, Bureau of Enforcement; their respective deputies or staff in line of succession to the preceding staff members.

(Executive Order No. 11090 (28 F.R. 1841); Reorganization Plan No. 3 of 1961, 75 Stat. 837; 49 U.S.C. 1324 (note); sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] JOSEPH B. GOLDMAN,
General Counsel.

[F.R. Doc. 67-4272; Filed, Apr. 18, 1967; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart C—Standards of Certified Chemical Composition

CHEMICALS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER.

The amendment revises § 230.7-20 Chemicals by dividing the section into

Sample No.	Kind	Approximate weight	Price
726	Selenium, intermediate purity	1 lb.	\$40
727	Rubidium chloride, intermediate purity	1.0 g.	20

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: April 7, 1967.

A. V. ASTIN,
Director.

[F.R. Doc. 67-4262; Filed, Apr. 18, 1967; 8:46 a.m.]

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 28]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 373, 379 and 385 of the Code of Federal Regulations are amended as set forth below:

Effective date: April 1, 1967.

RAUER MEYER,
Director,
Office of Export Control.

I. Certification that refined copper is not from the U.S. National Stockpile.¹ Purpose and effect: To insure that the domestic supply of copper released from the U.S. National Stockpile is not depleted through exports, an application for a license to export refined copper (Export Control Commodity No. 68212) supplied from this source will be denied, except in unusual circumstances. Therefore, all applications shall specify whether they cover refined copper supplied from the U.S. National Stockpile, as follows:

(1) If the application covers refined copper not supplied from the U.S. Na-

¹ The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

two parts: (a) Primary chemicals, and (b) Intermediate purity chemicals. The section as it now appears becomes the first part with the addition of subheading (a) "Primary chemicals" before the present text material. A new paragraph (b) "Intermediate purity chemicals" is added.

The following amends Title 15 CFR Part 230 by revising § 230.7-20 Chemicals to read:

§ 230.7-20 Chemicals.

(a) Primary chemicals. * * *
(b) Intermediate purity chemicals. This group of materials is intended to bridge the gap between commercial materials available in bulk and materials available in primary or purer grades. They should prove useful to the small research laboratory or individual workers engaged in purification, as a characterized starting material. Such materials are also useful in analytical procedures when a higher-purity primary grade is neither necessary nor available.

tional Stockpile, the exporter shall enter on the application a certification to this effect (see § 373.43(b) for wording of certification).

(2) If the application covers copper supplied from the U.S. National Stockpile, the exporter shall so state on the application.

(3) If the exporter does not know, or is unable to determine, whether the refined copper described on the application has been, or will be, supplied from the U.S. National Stockpile, he shall so state on the application and include the reason(s) why this information is not available.

Effective date: April 1, 1967.

Accordingly, § 373.43(b) is amended as set forth below.

II. Uniform multiple statement for electronic computers. An application for a license to export an electronic computer must include the technical information set forth in § 373.50.

Where the applicant previously has furnished the Office of Export Control the technical specifications for his line of electronic computers, this fact may be referenced in the application instead of furnishing the required technical information with each application. The wording of the statement to be used in making this reference is set forth in the regulation.

Effective date: April 1, 1967.

Accordingly, § 373.50(b) of the U.S. Export Regulations is amended as set forth below.

III. *Iron and steel commodities.* Section 373.19 of the U.S. Export Regulations sets forth some special requirements for completing applications for licenses to export iron and steel products and iron and steel scrap. These special requirements are no longer necessary. Therefore, applications for licenses to export these commodities may now be completed in accordance with the general instructions shown in § 372.5 of said regulations.

Effective date of action: April 1, 1967.

Accordingly, §§ 373.19 (a) and (b), 373.42, 373.46, 374.55, and 373.63 are hereby deleted.

IV. *St. Louis, Mo., airport authorized to clear air shipments for export.* Certain inland airports in the United States have been authorized to clear air shipments for export, as set forth in § 379.12 of the U.S. Export Regulations. St. Louis, Mo., is now added to the list of airports with this authority.

Effective date: April 1, 1967.

Accordingly, § 379.12(c) of the U.S. Export Regulations is amended as set forth below.

V. *Revision of General License GTDU.* Before exporting unpublished technical data relating to certain materials and equipment under the provisions of General License GTDU, the exporter must obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be shipped, directly or indirectly, to a destination in Country Group W, Y, or Z. The list of materials and equipment subject to this requirement for a written assurance is now extended to include technical data relating to "Cold isostatic presses and specially designed parts and accessories therefor (Export Control Commodity No. 71980)."

Effective date of action: May 1, 1967.

Accordingly, § 385.2(c) (4) (iii) of the U.S. Export Regulations Schedule is amended as set forth below.

The amendments to Parts 373, 379, and 385 are as follows:

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

§ 373.19 [Amended]

1.a. Section 373.19 (a) and (b) is deleted.

§§ 373.42, 373.46, 373.55, 373.63 [Deleted]

b. Sections 373.42, 373.46, 373.55, and 373.63 are deleted.

2. In § 373.43(b), the first sentence of subparagraph (2) and the first sentence of subparagraph (3) are revised, and a new subparagraph (4) is added, reading as follows:

§ 373.43 Blister and refined copper, copper-based alloy ingots, master alloys, and semifabricated copper products.

(b) * * *

(2) Subject to the provisions of subparagraph (4) of this paragraph, license

applications covering refined copper produced from foreign-origin copper raw materials or refined copper produced from material which was declared as an offset against an equivalent quantity of foreign-origin copper raw materials entered into the United States under a Customs Import Entry, will be considered for licensing without a charge against the refined copper export quota. * * *

(3) Subject to the provisions of subparagraph (4) of this paragraph, refined copper not meeting the provisions of subparagraph (2) of this paragraph will be licensed under the Past Participation in Exports method of licensing (see § 373.8). * * *

(4) Certification regarding U.S. National Stockpile Origin: Except in unusual circumstances, an application for a license to export refined copper supplied from the U.S. National Stockpile will be denied. Therefore, each license application shall specify whether it covers refined copper supplied from the U.S. National Stockpile. This information shall be entered on the application in the space entitled "Additional Information", or on an attachment thereto, as follows:

(i) If the application covers copper not supplied from the U.S. National Stockpile, the exporter shall enter the following certification:

I (we) certify that the refined copper described in this application has not been, and will not be, supplied from the U.S. National Stockpile.

(ii) If the application covers copper supplied from the U.S. National Stockpile, the exporter shall so indicate.

(iii) If the exporter does not know, or is unable to determine, whether the refined copper has been, or will be, supplied from the U.S. National Stockpile, he shall so indicate and include the reason(s) why this information is not available.

3. Subparagraph (5) is added to § 373.50(b), reading as follows:

§ 373.50 Electronic computers.

(b) * * *

(5) Instead of including this information on each application, the applicant may furnish the Office of Export Control with technical specifications and other related data for his line of electronic computers and keep this information current by supplementing it with technical bulletins or other similar publications as they are released. In such cases, an exporter can comply with the requirements of this § 373.50 by identifying the model number and entering the following statement in the commodity description space of the application or on a signed attachment to the application:

The current technical information relating to the commodity(ies) described on this application, as required by § 373.50 of the Export Regulations, has been previously furnished the Office of Export Control.

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

§ 373.12 [Amended]

In § 379.12 *Air cargo clearance at certain ports of origin*, paragraph (c) is amended to include "St. Louis, Mo." after "Portland, Oreg."

PART 385—EXPORTATIONS OF TECHNICAL DATA

Section 385.2(c) (4) (iii) (ee) is revised to read as follows:

§ 385.2 General licenses.

(c) * * *

(4) * * *

(iii) * * *

(ee) Hot or cold isostatic presses; and specially designed parts and accessories (Export Control Commodity No. 71980); and

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.)

[F.R. Doc. 67-4263; Filed, Apr. 18, 1967; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8705]

PART 13—PROHIBITED TRADE PRACTICES

Charles A. Olson et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*; 13.15-25 *concealed subsidiary, fictitious collection agency, etc.*; § 13.70 *Fictitious or misleading guarantees*; § 13.155 *Prices*; 13.155-10 *Bait*; 13.155-78 *Repossession balances*; § 13.157 *Prize contests*. Subpart—Misrepresenting oneself and goods—Business status, advantages, or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.*; Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees*; § 13.1705 *Prize contests*; § 13.1715 *Quality*; Misrepresenting oneself and goods—Prices: § 13.1779 *Bait*. Subpart—Using misleading name—Goods: § 13.2330 *Quality*; Using misleading name—Vendor: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Charles A. Olson doing business as Consolidated Sewing Machine Co., etc., Washington, D.C., Docket 8705, Mar. 27, 1967]

In the Matter of Charles A. Olson, an Individual, Doing Business as Consolidated Sewing Machine Co. and Consolidated Sewing Machine Co. of Washington, D.C.

Order requiring a Washington, D.C., retailer of sewing machines and vacuum

cleaners to cease misrepresenting the nature of his business, making false pricing, savings, and guarantee claims, conducting fictitious "drawings," and using bait tactics.

The order to cease and desist is as follows:

It is ordered, That respondent Charles A. Olson, an individual, doing business as Consolidated Sewing Machine Co. or Consolidated Sewing Machine Co. of Washington, D.C., or under any other name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of sewing machines, vacuum cleaners, or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that merchandise has been left in layaway or that it is being offered for the balance of the purchase price unpaid by a previous purchaser; or misrepresenting in any manner the status, kind, quality, or price of the merchandise being offered.

2. Using the names "Credit Dept.," "Collection Department," "Consolidated Adj. Office," "National Adj.," or other names of similar import or meaning; or otherwise representing, directly or by implication, that respondent is engaged in the business of collecting debts or of adjusting or settling accounts; or misrepresenting in any manner the nature or status of respondent's business.

3. Representing, directly or by implication, that purchasers save the paid-in amount on unclaimed layaway merchandise; or misrepresenting in any manner the savings afforded purchasers of respondent's products.

4. Representing, directly or by implication, that products are guaranteed, unless the nature, conditions, and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

5. Representing, directly or by implication, that any products or services are offered for sale when such offer is not a bona fide offer to sell such products or services on the terms and conditions stated; or using any advertising, sales plan, or procedure involving the use of false, deceptive, or misleading statements to obtain leads or prospects for the sale of other merchandise.

6. Disparaging in any manner or discouraging the purchase of any products advertised.

7. Representing, directly or by implication, that names of winners are obtained through "drawings" or by chance when all of the names selected are not chosen by lot; or misrepresenting in any manner the method by which names are selected.

8. Representing, directly or by implication, that awards or prizes are of a certain value or worth when recipients thereof are not in fact benefited by or do not save the amount of the represented value of such prizes or awards.

9. Representing, directly or by implication, that any savings, discount, or allowance is given purchasers from respondent's selling price for specified merchandise unless such selling price is the amount at which such merchandise has been sold or offered for sale in good faith by respondent for a reasonably substantial period of time in the recent regular course of his business.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That Charles A. Olson, an individual, doing business as Consolidated Sewing Machine Co. and Consolidated Sewing Machine Co. of Washington, D.C., shall, within sixty (60) days after service of this order upon him, file with the Commission a report in writing, signed by the respondent, setting forth in detail the manner and form of his compliance with the order to cease and desist.

Issued: March 27, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-4243; Filed, Apr. 18, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

FERROUS GLUCONATE; LISTING FOR FOOD USE; EXEMPTION FROM CERTIFICATION

In the matter of establishing regulations listing for food use and exempting from certification the color additive ferrous gluconate:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of February 8, 1967 (32 F.R. 2646), and the Commissioner of Food and Drugs concludes that the amendment should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2), (d)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120): *It is ordered*, That Part 8 be amended by adding to Subpart D the following new section:

§ 8.320 Ferrous gluconate.

(a) *Identity*. The color additive ferrous gluconate is the ferrous gluconate defined in the Food Chemicals Codex, First Edition, Publication 1406 (1966), National Academy of Sciences-National Research Council, Washington, D.C.

(b) *Specifications*. Ferrous gluconate shall meet the specifications given in the Food Chemicals Codex.

(c) *Uses and restrictions*. Ferrous gluconate may be safely used in amounts consistent with good manufacturing practice for the coloring of ripe olives.

(d) *Labeling*. The label of the color additive shall conform to the requirements of § 8.32.

(e) *Exemption from certification*. Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be submitted in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2), (d))

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-4275; Filed, Apr. 18, 1967; 8:47 a.m.]

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

CARMINE; LISTING FOR FOOD AND DRUG USE; EXEMPTION FROM CERTIFICATION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b), (c)(2), (d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.120), the Commissioner of Food and Drugs, based on a petition filed by H. Kohnstamm & Co., Inc., 161 Avenue of the Americas, New York, N.Y., 10013, and other relevant

material, finds that carmine is safe for use as a color additive in or on foods and drugs under the conditions prescribed in this order and that certification is not necessary for the protection of the public health. Therefore, it is ordered, That Part 8 be amended by adding to Subpart D a new § 8.317 and by adding to Subpart F a new § 8.6009, as follows:

§ 8.317 Carmine.

(a) *Identity.* (1) Carmine is the aluminum or calcium-aluminum lake on an aluminum hydroxide substrate of the coloring principles, chiefly carminic acid, obtained by an aqueous extraction of cochineal (*Dactylopius coccus costa* (*Coccus cacti* L.)).

(2) Color additive mixtures for food use made with carmine may contain only those diluents listed in this Subpart D as safe and suitable in color additive mixtures for coloring foods.

(b) *Specifications.* Carmine shall conform to the following specifications:

Volatile matter (at 135° C. for 3 hours), not more than 20.0 percent.

Ash, not more than 12.0 percent.

Lead (as Pb), not more than 10 parts per million.

Arsenic (as As), not more than 1 part per million.

Carminic acid, not less than 50.0 percent.

Carminic acid shall be pasteurized or otherwise treated to destroy all viable *Salmonella* micro-organisms. Pasteurization or such other treatment is deemed to permit the adding of safe and suitable substances (other than chemical preservatives) that are essential to the method of pasteurization or other treatment used. For the purposes of this paragraph, safe and suitable substances are those substances that perform a useful function in the pasteurization or other treatment to render the carmine free of viable *Salmonella* micro-organisms, which substances are not food additives as defined in section 201(s) of the act or, if they are food additives as so defined, are used in conformity with regulations established pursuant to section 409 of the act.

(c) *Uses and restrictions.* Carmine may be safely used for coloring foods generally in amounts consistent with good manufacturing practice, except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act unless added color is authorized by such standards.

(d) *Labeling requirements.* The label of the color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

§ 8.6009 Carmine.

(a) *Identity and specifications.* (1) The color additive carmine shall conform in identity and specifications to the requirements of § 8.317 (a) (1) and (b).

(2) Color additive mixtures for drug use made with carmine may contain only those diluents listed in Subpart F as safe and suitable in color additive mixtures for coloring drugs.

(b) *Uses and restrictions.* Carmine may be safely used for coloring ingested and externally applied drugs in amounts consistent with good manufacturing practice.

(c) *Labeling requirements.* The label of the color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall conform to the requirements of § 8.32.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b), (c) (2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b), (c) (2), (d))

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-4276; Filed, Apr. 18, 1967;
8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Chloro-N-Isopropylacetanilide

A petition (PP 7F0524) was filed with the Food and Drug Administration by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of a tolerance of 0.1 part per million for residues of the herbicide 2-chloro-N-isopropylacetanilide in or on the raw agricultural commodities cottonseed and sweet corn.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

After consideration of the data submitted in the petition and other relevant material, it is concluded that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Part 120 is amended by adding to Subpart C a new section, as follows:

§ 120.211 2-Chloro-N-isopropylacetanilide; tolerances for residues.

A tolerance of 0.1 part per million is established for total negligible residues of the herbicide 2-chloro-N-isopropylacetanilide and its metabolites (calculated as 2-chloro-N-isopropylacetanilide) in or on the raw agricultural commodities cottonseed and sweet corn (kernels plus cobs with husks removed).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2))

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-4277; Filed, Apr. 18, 1967;
8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (PAP 5B1555) filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, and other relevant material, has concluded that the food additive

regulations should be amended to provide for the safe use of ethyl acrylate-styrene-methacrylic acid copolymers and ethyl acrylate-methyl methacrylate-styrene-methacrylic acid copolymers as modifiers for epoxy resins in resinous and polymeric food-contact coatings. Therefore pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2514 (b)(3)(xx) is amended by inserting alphabetically in the list of substances two new items, as follows:

§ 121.2514 Resinous and Polymeric coatings.

- (b) * * *
- (3) * * *
- (xx) * * *

Ethyl acrylate-styrene-methacrylic acid copolymers for use only as modifiers for epoxy resins listed in subdivision (viii)(a) of this subparagraph.

Ethyl acrylate-methyl methacrylate-styrene-methacrylic acid copolymers for use only as modifiers for epoxy resins listed in subdivision (viii)(a) of this subparagraph.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[P.R. Doc. 67-4278; Filed, Apr. 18, 1967;
8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 6—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS ENFORCING LABOR STANDARDS IN FEDERAL SERVICE CONTRACTS

Pursuant to R.S. 161 (5 U.S.C. 301), section 4 of the Service Contract Act of

1965 (41 U.S.C. 353), and Secretary's Order No. 36-65 (30 F.R. 15305), Title 29 of the Code of Federal Regulations is hereby amended by adding thereto a new part designated Part 6.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable to the promulgation of these rules because they relate only to public contracts. Such procedure and delay will not serve a useful purpose here. These rules shall, therefore, be effective immediately.

The new 29 CFR Part 6 reads as follows:

- Sec.
- 6.1 Applicability of rules.
- 6.2 Definitions.

PREHEARING PROCEDURES

- 6.3 Complaints.
- 6.4 Answer.
- 6.5 Motions and requests.
- 6.6 Consent findings and order.
- 6.7 Prehearing conferences.

HEARINGS AND RELATED MATTERS

- 6.8 Appearances.
- 6.9 Hearing.

DECISION AND ORDER

- 6.10 Decision of the hearing examiner.
- 6.11 Exceptions.
- 6.12 Relief from ineligible list.
- 6.13 Transmission of record.
- 6.14 Decisions and order of the Administrator or Director.

MISCELLANEOUS

- 6.15 Service; copies of documents and pleadings.
- 6.16 Witnesses and fees.
- 6.17 Depositions.
- 6.18 Subpoenas.
- 6.19 Hearing examiners.
- 6.20 Computation of time.

AUTHORITY: The provisions of this Part 6 issued under sec. 4, 79 Stat. 1035; R.S. 161 (5 U.S.C. 301).

§ 6.1 Applicability of rules.

This part provides the rules of practice for administrative proceedings relating to the enforcement of labor standards in the Service Contract Act of 1965 (79 Stat. 1035). See Part 4 of this subtitle.

§ 6.2 Definitions.

As used in this part:

(a) "Chief Hearing Examiner" means the Chief Hearing Examiner, United States Department of Labor, Washington, D.C. 20210.

(b) "Respondent" means the contractor or subcontractor against whom the proceedings are brought.

(c) "The Act" means the Service Contract Act of 1965 (79 Stat. 1035).

(d) "Administrator" means the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor.

(e) "Director" means the Director of the Bureau of Labor Standards of the Department of Labor.

PREHEARING PROCEDURES

§ 6.3 Complaints.

(a) **Issuance.** The Deputy Solicitor shall institute enforcement proceedings

by issuing a complaint and causing the complaint to be served upon the respondent.

(b) **Contents.** The complaint shall contain a clear and concise factual statement sufficient to inform the respondent with reasonable definiteness of the acts or practices he is alleged to have committed in violation of the Act or his contractual obligation.

(c) **Amendments.** At any time prior to the close of the hearing, the complaint may be amended in the discretion of the hearing examiner and on such terms as he may approve.

(d) **Notice of hearing.** The hearing examiner shall notify the parties of the time and place for a hearing within 10 days after the service of the complaint.

§ 6.4 Answer.

(a) **Filing and service.** Within 14 days after the service of the complaint, the respondent shall file an answer with the Chief Hearing Examiner. The answer shall be signed by the respondent or his attorney.

(b) **Contents; failure to file.** The answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, explain, or deny, each of the allegations of the complaint unless the respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all of the allegations of the complaint. The answer may contain a waiver of hearing. Failure to file an answer to or plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) **Procedure upon admission of facts.** The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission of facts, the hearing examiner without further hearing shall prepare his decision in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. The parties shall be given an opportunity to file exceptions to his decision, and to file briefs in support of the exceptions.

§ 6.5 Motions and requests.

Motions or requests shall be filed with the Chief Hearing Examiner, except that those made during the course of the hearing shall be filed with the hearing examiner or shall be stated orally and made part of the transcript. Each motion or request shall state the particular order, ruling, or action desired, and the grounds therefor. The hearing examiner is authorized to rule upon all motions or requests filed or made prior to the filing of his report.

§ 6.6 Consent findings and order.

(a) **General.** At any time after the issuance of a complaint and prior to the reception of evidence in any proceeding, the respondent may move to defer the receipt of any evidence for a reasonable time to permit negotiation of an agreement containing consent findings and an order disposing of the whole or any part of the proceeding. The allowance of

such deferment and the duration thereof shall be in the discretion of the hearing examiner, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement being reached which will result in a just disposition of the issues involved.

(b) *Content.* Any agreement containing consent findings and an order disposing of a proceeding shall also provide:

(1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(3) A waiver of any further procedural steps before the hearing examiner, Administrator, or Director; and

(4) A waiver of any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement.

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement to the hearing examiner for his consideration; or

(2) Inform the hearing examiner that agreement cannot be reached.

(d) *Disposition.* In the event an agreement containing consent findings and an order is submitted within the time allowed therefor, the hearing examiner, within 30 days thereafter, shall accept such agreement by issuing his decision based upon the agreed findings.

§ 6.7 Prehearing conferences.

(a) Upon his own motion or the motion of the parties, the hearing examiner may direct the parties or their counsel to meet with him for a conference to consider:

(1) Simplification of the issues;

(2) Necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitation;

(3) Stipulations, admissions of fact and of contents and authenticity of documents;

(4) Limitation of the number of expert witnesses; and

(5) Such other matters as may tend to expedite the disposition of the proceeding.

(b) The record shall show the matters disposed of by order and by agreement in such pretrial conferences. The subsequent course of the proceeding shall be controlled by such action.

HEARINGS AND RELATED MATTERS

§ 6.8 Appearances.

(a) *Representation.* The parties may appear in person, by counsel, or otherwise.

(b) *Failure to appear.* In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make

a prima facie case before the hearing examiner. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the hearing examiner's decision and to file exceptions thereto.

§ 6.9 Hearing.

(a) *Order of proceeding.* Except as may be determined otherwise by the hearing examiner, counsel supporting the complaint shall proceed first at the hearing.

(b) *Evidence.*—(1) *In general.* The testimony of witnesses shall be upon oath or affirmation administered by the hearing examiner and shall be subject to such cross-examination as may be required for a full and true disclosure of the facts. The hearing examiner shall exclude evidence which is immaterial, irrelevant, or unduly repetitious.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made before the hearing examiner may be relied upon subsequently in the proceeding.

(3) *Exceptions.* Formal exception to an adverse ruling is not required.

(c) *Official notice.* Official notice may be taken of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice and also concerning which the Department by reason of its functions is presumed to be expert: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the hearing examiner's decision of the matters so noticed, and shall be given adequate opportunity to show the contrary.

(d) *Transcript.* Hearings shall be stenographically reported. Copies of the transcript may be obtained by the parties upon written application filed with the reporter, and upon the payment of fees at the rate provided in the agreement with the reporter.

DECISION AND ORDER

§ 6.10 Decision of the hearing examiner.

(a) *Proposed findings of fact, conclusions, and order.* Within 10 days after receipt of notice that the transcript of the testimony has been filed or such additional time as the hearing examiner may allow, each party may file with the hearing examiner proposed findings of fact, conclusions of law, and order, together with a supporting brief expressing the reasons for such proposals. Such proposals and brief shall be served on all parties, and shall refer to all portions of the record and to all authorities relied upon in support of each proposal.

(b) *Decision of the hearing examiner.* Within a reasonable time after the time allowed for the filing of proposed findings of fact, conclusions of law, and order, or after submission of an agreement containing con-

sent findings and order, the hearing examiner shall make his decision, which shall become the final decision in the administrative process 20 days after service thereof unless exceptions are filed thereto, as provided in § 6.12. The decision of the hearing examiner shall include a statement of findings and conclusions, with reasons and bases therefor, upon each material issue of fact, law, or discretion presented on the record. If the respondent is found to have violated the Act, the hearing examiner in his decision shall make a recommendation to the Secretary of Labor as to whether the respondent should be relieved from the application of the ineligible list as provided in section 5(a) of the Act. If liquidated damages are found due and are unpaid, no recommendation for relief shall be made except on condition that the liquidated damages are paid. The decision shall also include an appropriate order (excluding such issue of ineligibility). The decision of the hearing examiner shall be based upon a consideration of the whole record, including any administrative admissions made under § 6.6. It shall be supported by reliable, probative, and substantial evidence and be made upon the bases of a preponderance of that evidence.

§ 6.11 Exceptions.

Within 20 days after the date of the decision of the hearing examiner, any party aggrieved thereby may file exceptions thereto with supporting reasons. Such party shall transmit his exceptions in writing to the Chief Hearing Examiner, referring to the specific findings of fact, conclusions of law, or order excepted to, the specific pages of transcript relevant to the suggestions, and suggesting corrected findings of fact, conclusions of law, or order.

§ 6.12 Relief from ineligible list.

Application for relief from the ineligible list provision under section 5(a) of the Act may be filed by the respondent with the Secretary of Labor within 20 days from the date of service of the hearing examiner's decision, Administrator's decision, or Director's decision, as the case may be. Notice of the determination of the Secretary on the application of the ineligible list provision of the Act shall be served upon the parties.

§ 6.13 Transmission of record.

If exceptions are filed, the hearing examiner shall transmit the record of the proceeding to the Director for review of all exceptions taken in cases which involve only allegations of violations of the safety and health provisions and for review of exceptions which relate to findings concerning violations of the safety and health provisions in cases which involve both allegations of violations of the safety and health provisions and allegations of violations of other provisions. All other exceptions shall be transmitted to the Administrator for review. The record shall include: The pleadings, motions, and requests filed in written form, rulings thereon, the tran-

script of the testimony and proceeding taken at the hearing, together with the exhibits admitted in evidence, any documents or papers filed in connection with prehearing conferences, such proposed findings of fact, conclusions of law, orders, and supporting reasons, as may have been filed, the hearing examiner's decision, and such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding.

§ 6.14 Decisions and order of the Administrator or Director.

If exceptions to the decision of the hearing examiner are taken as provided in this part, the Administrator or Director, who is to make the review in accordance with § 6.13 shall upon consideration thereof, together with the record references and authorities cited in support thereof, make his decision, which shall affirm, modify, or set aside, in whole or part, the findings, conclusions, and order contained in the decision of the hearing examiner, and shall include a statement of reasons or bases for the actions taken. With respect to the findings of fact, the Administrator or Director, as the case may be, shall modify or set aside only those findings that are clearly erroneous. Copies of the decision and order shall be served upon the parties. Any such decision shall treat any question of recommendation for relief from the ineligible list under section 5(a) of the Act to the same extent and subject to the same limitations as provided in § 6.10(b) concerning decisions of the hearing examiner.

MISCELLANEOUS

§ 6.15 Service; copies of documents and pleadings.

(a) *Manner of service.* Service upon any party shall be made by the party filing the pleading or document by delivering a copy or mailing a copy to the last known address. If the person upon whom service is made by mail resides 500 miles or more from the party effecting service, such mailing must be by airmail. When a party is represented by an attorney, the service should be upon the attorney.

(b) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of said service shall be proof of the service.

(c) *Service upon Department, number of copies of pleading or other documents.* An original and three copies of all pleadings and other documents shall be filed with the Department of Labor, the original with the officer before whom the case is pending (hearing examiner, chief hearing examiner, Administrator, Director, or the Secretary of Labor) and the copies with the attorney representing the Department during the hearing or the Associate Solicitor in charge of litigation by mail.

§ 6.16 Witnesses and fees.

Witnesses subpoenaed by any party shall be paid the same fees and mileage as are paid for like services in the District Court of the United States. The

witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

§ 6.17 Depositions.

(a) *When, how, and by whom taken.* For good cause shown, the testimony of any witness may be taken by deposition in any proceeding, when a complaint has been filed, whether at issue or not. Depositions may be taken orally or upon written interrogatories before any person designated by the hearing examiner and having power to administer oaths.

(b) *Application.* Any party desiring to take the deposition of a witness shall make application in writing to the hearing examiner, setting forth the reasons why such disposition should be taken; the time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; the name and address of each witness; and the subject matter concerning which each witness is expected to testify.

(c) *Notice.* Such notice as the hearing examiner shall order shall be given for the taking of a deposition, but this shall not be less than 5 days' written notice when the deposition is to be taken within the United States and not less than 20 days' written notice when the deposition is to be taken elsewhere.

(d) *Taking and receiving in evidence.* Each witness testifying upon deposition shall be sworn, and the adverse party shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read to the witness, subscribed by him, and certified by the officer. Thereafter, the officer shall seal the deposition, with two copies thereof, in an envelope and mail the same by registered mail to the hearing examiner. Subject to such objections to the questions and answers as were noted at the time of taking the deposition and would be valid were the witness personally present and testifying, such deposition may be read and offered in evidence by the party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for the taking of the deposition in the first instance exist at the time of hearing.

§ 6.18 Subpoenas.

All applications for subpoenas ad testificandum and subpoenas duces tecum shall be made in writing to the hearing examiner. Application for subpoenas duces tecum shall specify as exactly as possible the documents to be produced, showing their general relevancy and reasonable scope.

§ 6.19 Hearing examiners.

(a) *Who presides.* All hearings shall be presided over by a hearing examiner appointed under section 11 of the Administrative Procedure Act.

(b) *How assigned.* The presiding hearing examiner shall be designated by

the Secretary or the Chief Hearing Examiner.

(c) *Powers.* Hearing examiners shall have all powers necessary to the conduct of fair and impartial hearings, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpoenas upon proper applications as provided in this § 6.19;

(3) To rule upon offers of proof and receive relevant evidence;

(4) To take or cause to be taken depositions and to determine their scope;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel therein;

(6) To hold conferences for the settlement or simplification of the issues by consent of the parties;

(7) To consider the rule upon procedural requests;

(8) To make and file decisions in conformity with this part;

(9) To take any action authorized by the rules in this part or in conformance with the Administrative Procedure Act.

(d) *Consultation.* The hearing examiner shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

(e) *Disqualification of hearing examiners.* (1) When a hearing examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record directed to the Chief Hearing Examiner.

(2) Whenever any party shall deem the hearing examiner for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, that party shall file with the Chief Hearing Examiner a motion to disqualify and remove such hearing examiner, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. The Chief Hearing Examiner shall rule upon the motion.

(f) *Contemptuous conduct; failure or refusal of a witness to appear or answer.* Contemptuous conduct at any hearing before a hearing examiner shall be ground for exclusion from the hearing. The failure or refusal of a witness to appear at any hearing or to answer any question which has been ruled to be proper shall be ground for the action provided in section 5 of the Act of June 30, 1936 (41 U.S.C. 39) and, in the discretion of the hearing examiner, for striking out all or part of the testimony which may have been given by such witness.

§ 6.20 Computation of time.

Saturdays, Sundays, and holidays shall be included in computing the time allowed for filing any document or paper under this part, but when such time expires on such a day, such period shall be extended to include the next following day which is not such a day.

Signed at Washington, D.C., this 12th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[P.R. Doc. 67-4252; Filed, Apr. 18, 1967; 8:46 a.m.]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart D—Procedure Governing Hazardous Occupation Determinations

ADAPTATION OF PROCEDURE TO DETERMINATIONS OF HAZARDOUS OCCUPATIONS IN AGRICULTURE

Pursuant to authority in section 13(c) of the Fair Labor Standards Act of 1938 (63 Stat. 918, as amended; 29 U.S.C. 213) and Reorganization Plan No. 2 of 1946 (3 CFR, 1943-48 Comp., p. 1064), 29 CFR Part 1500, Subpart D is amended by revising §§ 1500.41, 1500.42, and 1500.44 to read as set out below. The purpose of this amendment is to make the procedure set forth in Subpart D applicable to determinations of hazardous occupations in agriculture under section 13(c) of the Act, as amended by the Fair Labor Standards Amendments of 1966 (P.L. 89-601, 80 Stat. 830).

As this amendment relates solely to rules of procedure, neither notice, opportunity for public participation in its formulation, nor delay of effective date is required by section 4 of the Administrative Procedure Act (5 U.S.C. 553). I do not believe that such procedure or delay will serve a useful purpose here. Accordingly, this amendment shall be effective upon publication in the *FEDERAL REGISTER*.

1. Section 1500.41 is revised to read as follows:

§ 1500.41 Administrative responsibility.

The Secretary of Labor shall be assisted by the Bureau of Labor Standards in making studies and investigations to discover (a) the occupations which appear to be particularly hazardous for the employment of children between 16 and 18 years of age or detrimental to their health or well-being; and (b) the occupations in agriculture which appear to be particularly hazardous for the employment of children below the age of 16. All interested persons and organizations are invited to cooperate with the Secretary and the Bureau by making suggestions and requests and providing pertinent information to the Bureau concerning employment hazards to minors. Submissions should be mailed to the Director of the Bureau of Labor Standards, Department of Labor, Washington, D.C. 20210. In addition, the Director of the Bureau of Labor Standards shall have authority to obtain information by holding conferences to which he may invite various persons who have had experience or expert knowledge concerning occupational hazards to children.

2. Section 1500.42 is revised to read as follows:

§ 1500.42 Reports of investigations.

The Director of the Bureau shall from time to time prepare and submit to the Secretary of Labor reports of investiga-

tions with respect to (a) any occupations or group of occupations which he has reason to believe should be added to, or deleted from, the list of those found and declared to be particularly hazardous for the employment of children between 16 and 18 years of age or detrimental to their health or well-being; and (b) any occupations or group of occupations in agriculture which he has reason to believe should be added to, or deleted from, the list of those found and declared to be particularly hazardous for the employment of children below the age of 16. Each such report shall contain an explanation of the hazards involved and the reasons why children between 16 and 18 years of age, or children below the age of 16, as the case may be, are, or are not, particularly susceptible to them. Copies of such reports shall be made available to the public at the offices of the Bureau.

3. Section 1500.44 is revised to read as follows:

§ 1500.44 Notice of proceedings.

Notice of the initiation of the proceedings shall be published in the *FEDERAL REGISTER*. Such notice will (a) refer to section 3(1) or to section 13(c) of the Fair Labor Standards Act of 1938 (52 Stat. 1061, 63 Stat. 918, as amended; 29 U.S.C. 203, 213), as the case may be, and to Reorganization Plan No. 2 of 1946 (3 CFR, 1943-48 Comp., p. 1064) as authority for the proposal and direct attention to this Subpart D governing the procedure; (b) contain the terms or substance of the proposed order or the proposed change in an existing order; (c) invite interested persons to participate in the proceedings through the submission of pertinent written data, views, and arguments, specifying the time and place for such submissions. If it is decided that the opportunity for public written participation is to be supplemented with an opportunity for oral participation, a time and place shall also be specified for oral submissions of data, views, and arguments.

(Sec. 13, 63 Stat. 918, as amended; 29 U.S.C. 213)

Signed at Washington, D.C., this 11th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-4250; Filed, Apr. 18, 1967; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

PART 1—GENERAL PROVISIONS

Price Adjustments in Contracts for Fluid Milk

The following addition to this subchapter is issued by direction of the

Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

In implementation of Public Law 89-696 (Act of Oct. 19, 1966, 10 U.S.C. 2389), the following §§ 1.328—1.328-6 are added. These sections prescribe regulations for making price adjustments in certain contracts for fluid milk for beverage purposes, to compensate the contractor for losses incurred because of increased prices paid to producers for such milk as a result of actions by the Secretary of Agriculture on or after March 1, 1966, increasing the price of milk.

§ 1.328 Price adjustment of milk contracts.

§ 1.328-1 Scope of §§ 1.328—1.328-6.

(a) Sections 1.328—1.328-5 establish uniform regulations for amending contracts for fluid milk for beverage purposes under the authority granted by the Act of October 19, 1966, P.L. 89-696 (10 U.S.C. 2389).

(b) The Act authorizes, under regulations prescribed by the Secretary of Defense, the amendment of any contract for the procurement of fluid milk for beverage purposes which was being performed on or after March 1, 1966, to provide a price adjustment for losses incurred by a contractor because of increased prices paid to the producers for such milk as a result of action by the Secretary of Agriculture on or after March 1, 1966, increasing the price of milk. The Act further provides that no price adjustment shall be made unless the Department of Defense determines that:

(1) Such amount was not included in the contract price;

(2) The contract does not otherwise contain a provision for price adjustment; and

(3) The contractor will suffer a loss, not merely a diminution of anticipated profit, under the contract because of such increases in producer prices.

(c) For the purposes of §§ 1.328—1.328-6, the term "fluid milk for beverage purposes" means fresh whole milk, skim milk, buttermilk, flavored milk, flavored milk drinks, recombined milk, cream, half and half, and low fat milk.

§ 1.328-2 Delegation of authority.

Heads of Procuring Activities and their designees at a level no lower than the head of a purchasing office are authorized to approve contract amendments authorized by the Act and to make any and all determinations required by the Act and §§ 1.328—1.328-6. When a request for adjustment is filed by the same contractor with more than one Department, the Departments concerned may by agreement assign responsibility for processing the request for adjustment of the contracts to one Department.

§ 1.328-3 Standards for deciding cases.

The following standards shall be applied in deciding cases:

(a) The contract to be adjusted must be a contract which was awarded prior to September 25, 1967, by an element of the Department of Defense, and which was being performed on or after March 1, 1966;

(b) The contractor must have suffered an actual loss, not merely a diminution of anticipated profits, under the contract;

(c) The loss must result from increased milk prices actually paid to producers;

(d) The increased producer price must have been the result of an action by the Secretary of Agriculture on or after March 1, 1966;

(e) The contractor must have been required to pay the increased price either because the price was mandatory under the terms of a Federal Milk Marketing Order, or in the case of an unregulated handler, because the contractor was unable after reasonable effort to obtain the milk at less than the increased price;

(f) The price of the contract to be adjusted must not contain an amount to cover the increase;

(g) The contract to be adjusted must not contain any other provision for price adjustment for the increased price of the milk used to perform the contract; and

(h) The amount of adjustment authorized will be limited to the actual loss incurred under the contract; the adjustment will not provide compensation for diminution of anticipated profits.

§ 1.328-4 Submission of requests by contractor.

A request for adjustment under §§ 1.328-1.328-6 should be filed in duplicate with the purchasing office which awarded the contract. Requests submitted more than 2 years after completion of deliveries on the contract involved or after March 24, 1969, whichever is later, will not be considered.

§ 1.328-5 Forms of request by contractor.

The contractor's request shall normally consist of a letter stating the precise adjustment requested and the contractor's conclusions showing in terms of the standards set forth in § 1.328-3, why the contractor considers himself entitled to the adjustment requested. The contractor's request shall contain a statement of consent to inspection and audit of the contractor's books and records and shall be accompanied by information to support his request including but not limited to the following:

(a) A brief description of the contract under which adjustment is being sought, indicating the contract number, the contract date, the items of fluid milk for beverage purposes on the contract, the contract price or prices of each such item and the quantities actually delivered under the contract;

(b) A statement of payment received and payments due or to become due under the contract in paragraph (a) of this section;

(c) A detailed analysis of the monetary elements of the request, indicating

precisely how the actual or estimated dollar amount of the request was reached;

(d) Any evidence available in support of facts alleged by the contractor including contemporaneous memoranda, correspondence, affidavits, receipted bills, or vouchers showing payments to producers or suppliers, and any other material;

(e) Relevant financial statements, cost analysis, or other data, including such additional financial data as are necessary to explain fully and to support monetary elements of the request for adjustment;

(f) A statement of and evidence supporting the contractor's original breakdown of estimated costs of fluid milk for beverage purposes on the contract in paragraph (a) of this section, including the price estimated to be paid to producers;

(g) In the case of regulated dairies, evidence of—

(1) The Federal Milk Marketing Order producer price for fluid milk in effect and forecast for the contract period at the time the contract price for fluid milk was computed and submitted.

(2) The amount of the Federal Milk Marketing Order price at the time fluid milk was purchased for use in performing the contract, and

(3) How the price was changed by action of the Secretary of Agriculture, with an identification of the action/order under which the change was made;

(h) In the case of unregulated dairies, evidence of the circumstances which caused the contractor to have to pay a higher price for the milk used to supply the contract requirements for fluid milk for beverage purposes than was included in the contract price for such milk, identification of the action of the Secretary of Agriculture which caused the increase and how the action of the Secretary of Agriculture affected the price the contractor was required to pay producers for milk;

(i) Statement of total loss suffered under the contract, with detailed supporting analysis;

(j) Statement of total loss resulting from the actions of the Secretary of Agriculture identified in paragraphs (g) and (h) of this section; and

(k) Such other statements or evidence as may be requested by the contracting officer.

§ 1.328-6 Processing cases.

(a) Heads of Procuring Activities are responsible for reviewing and analyzing the requests for price adjustment and taking such action as is necessary to verify the contractor's submission. When an audit of the contractor's books or records is considered necessary, the Defense Contract Audit Agency will conduct such audit and provide an advisory report of its audit.

(b) An adjustment of the contract price will not be authorized unless the contractor has established that he is entitled to an increase in the price under the standards set forth in § 1.328-3.

(c) If it is determined by the Head of the Procuring Activity that the stand-

ards set forth in § 1.328-3 have been met, the contracting officer will be authorized to enter into a supplemental agreement adjusting the contract price, after a certification of the availability of funds has been obtained from the Department whose funds were used to pay for the milk delivered under the contract.

(d) In the event of a disagreement between the Head of the Procuring Activity and the contractor, the Head of the Procuring Activity will render a decision to the contractor in writing setting forth the facts determined by the Head of the Procuring Activity and, where applicable, a statement indicating wherein the contractor has failed to meet the standards set forth in § 1.328-3.

(e) The Department whose funds were used to pay for the milk delivered under the contract shall provide the funds necessary for any increase in price granted pursuant to §§ 1.328-1.328-6.

[DPC 52, Mar. 24, 1967] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-4239; Filed, Apr. 18, 1967; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Indian Creek, Fla., and Pacific Ocean, Calif.

1. Pursuant to the Provisions of Section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362, 33 U.S.C. 499), § 203.446d is hereby prescribed governing the operation of a bridge across Indian Creek, Fla., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.446d Indian Creek, Fla.; bridge at 63d Street, Miami Beach.

(a) During the period from December 1 to April 1, inclusive, the owners of or agencies controlling the bridge shall not be required to open the drawspan between 11 a.m. and 6 p.m. except that the drawspan shall be opened each hour on the hour for sufficient time to pass any vessels awaiting passage, and except as provided in paragraph (b) of this section.

(b) The drawspan shall be opened promptly for passage of a vessel in an emergency involving danger to life or property, cruise boats operating on regular schedules and vessels owned and operated by the United States. The proper signal for such openings shall be indicated by four blasts of a whistle, horn or similar device.

(c) The owner of or agency controlling the bridge shall keep a copy of the regulations of this section conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time.

[Regs., Mar. 29, 1967, 1507-32 (Indian Creek, Fla.)-ENGOW-ON]

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.200b is hereby prescribed to govern the use and navigation of a danger zone in the Pacific Ocean, California, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.200b Pacific Ocean, San Clemente Island, Calif.; naval danger zone off China Point.

(a) *The danger zone.* The waters of the Pacific Ocean within an area beginning at China Point Light; extending in a direction of 200° true, 1.59 nautical miles; thence 308° true, 5.25 nautical miles; and thence 050° true to the shoreline.

(b) *The regulations.* (1) This area is used for shore bombardment by the U.S. Navy and vessels shall not enter the area during periods scheduled for firing, as published in local "Notice to Mariners".

(2) The regulations in this section shall be enforced by the Commandant, 11th Naval District and such agencies as he may designate.

[Regs., Mar. 30, 1967, 1507-32 (Pacific Ocean, Calif.)-ENGOW-ON]

(Sec. 7, 40 Stat. 206; 33 U.S.C. 1)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[P.R. Doc. 67-4238; Filed, Apr. 18, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4194]

[Misc. 1695540]

NEW MEXICO

Amendment of Executive Order No. 7743 of November 19, 1937

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Executive Order No. 7743 of November 19, 1937, transferring control and jurisdiction over certain acquired lands hereinafter described, from the Department of Agriculture to the Department of the Interior for conservation purposes in connection with the administration of the Taylor Grazing Act, is hereby amended to the extent necessary to permit use, administration or disposal of

the following described lands under the Taylor Grazing Act (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, and other applicable statutes, or under the general land management authority of the Secretary of the Interior including the authority to grant licenses and easements upon such lands, upon such terms as the Secretary of the Interior or his delegate may deem reasonable, and in accordance with appropriate regulations:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 1 E.,
Sec. 30, N $\frac{1}{2}$.

Containing 320 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 12, 1967.

[P.R. Doc. 67-4246; Filed, Apr. 18, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17095; FCC 67-456]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations; Port Jervis, N.Y., etc.

First report and order. In the matter of amendment of § 73.202, *Table of Assignments, FM Broadcast Stations* (Port Jervis, N.Y.; Rockville, Ind.; Waynesville, Mo.; Roanoke Rapids and Goldsboro, N.C.; Thibodeaux, La.; Crossville, Tenn.; Danville, Ill.; Lincoln and Omaha, Nebr.; Clinton, Okla.; Phoenix, Ariz.; Fresno, Calif.; San Antonio, San Marcos, Kenedy-Karnes, Georgetown, and Burnet, Tex.; Columbus, Nebr.; Salt Lake City, Utah; Bemidji, Minn.; Longview, Wash.; and Astoria, Oreg.); Docket No. 17095, RM-1065, RM-1078, RM-995, RM-1034, RM-1043, RM-1051, RM-1059, RM-1061, RM-1062, RM-1066, RM-1067, RM-1071, RM-1073, RM-1074, RM-1075.

1. The Commission has before it for consideration its notice of proposed rule making, issued in this proceeding on January 12, 1967 (FCC 61-54), and published in the FEDERAL REGISTER on January 17, 1967 (32 F.R. 464), proposing a number of changes in the FM Table of Assignments advanced by various interested parties and on the Commission's own motion. A number of comments were considered in making the following determinations. Except as noted, the proposals were unopposed. All population figures are those shown in the 1960 U.S. Census, unless otherwise stated. This decision disposes of all petitions except RM-1034, RM-1051, RM-1065, RM-1043, and RM-1066 (Roanoke Rapids, N.C.; Crossville, Tenn.; Port Jervis, N.Y.; Thibodeaux, La.; and Phoenix, Ariz.).

2. *RM-1078; Rockville, Ind.* (Charles R. Banks.) In this case an interested party seeks the assignment of a first

Class A channel (285A) in a community not now having such an assignment without requiring any other changes in the table. While the community is small (2,756 persons), there is no AM station or FM assignment in all of Parke County, of which Rockville is the county seat. Parke County has a population of 14,804 persons. We are of the view that the proposal would serve the public interest since it would provide the first local radio outlet for the community of Rockville and its county and that it should be adopted. We are therefore assigning Channel 285A to Rockville, Ind.

3. *RM-995; Waynesville, Mo.* In response to a request for rule making from South Central Broadcasters, Inc., licensee of Station KJPW(AM), Waynesville, Mo., the Commission invited comments on a proposal to assign Channel 272A as a second FM assignment to Waynesville. We denied an earlier request to assign Channel 221A.

4. Waynesville has a population of 2,377 and its county (Pulaski) has a population of 46,567.¹ It has been assigned one Class A Channel (249A) on which Station KFBD operates. The sole AM station in the community (KJPW) is licensed to petitioner and operates daytime-only. South Central urges that there is a clear need for a second assignment to serve the Waynesville-St. Robert-Fort Leonard Wood area. Petitioner points out that Fort Leonard Wood is in the immediate vicinity of Waynesville, has a normal population of over 38,000 persons, and uses Waynesville as its principal community. Petitioner argues that Fort Leonard Wood is an important community in its own right with its own needs and interests but that it must look to Waynesville to have these local needs met. Thus, it submits that there is a common school system for both communities, that Waynesville High School is used by students at the Fort and that the people at the Fort shop in Waynesville and generally look to it to meet their other needs. KJPW, petitioner alleges, provides the residents of the Fort with a local radio outlet during daytime hours only but a full time outlet is necessary to do a complete job. A letter from the commanding officer of the Fort is appended to support these claims. As to other services which are available or planned for the future, petitioner asserts that these stations do not provide local services for the area in question.

5. With respect to the impact that the proposed assignment would have on future needed assignments, petitioner amends its earlier request to the extent that it suggests that Channel 272A be assigned to Waynesville instead of Channel 221A. (It also suggests Channel 244A as an alternative.) It is shown in an attached engineering statement that this assignment would not preclude any future assignments on any of the six adjacent channels due to existing stations and assignments elsewhere. On Channel 272A, it is shown that there is only a small area in which this assignment

¹ Included in this figure is the 38,000 population of nearby Fort Leonard Wood.

would preclude assignments on the same channel, that there are only three communities of over 1,000 in it, and that there are other assignments available even for these small communities. Thus, it is argued that the proposed assignment would have little impact on possible future use of any channels affected.

6. Fred Briesacher, Jr., licensee of KFBD, the existing FM station in Waynesville and applicant for a new AM station there (daytime only), opposes the addition of Channel 272A to that community. Mr. Briesacher submits that the proposal would not be conducive to a sound business future and would not serve the public interest. He states that Fort Leonard Wood cannot be compared to a civilian community as far as business is concerned, since little advertising support is available from it and since many of the personnel do their shopping in other communities and not in the immediate Fort Leonard Wood communities. He questions the close relationship between the Fort and Waynesville and cites proposed legislation to separate the school system of the two as an example. Reference is made to newspapers published in the general area as evidence of adequate outlets for self-expression. He cites the recent denial of a second FM assignment to Lebanon, Mo. to show the importance of economics in such requests. Finally, a number of stations are listed, which, Mr. Briesacher states, provide broadcast signals to Waynesville and Fort Leonard Wood.

7. In reply to Mr. Briesacher, South Central states that his question about the ability of the market to support a second Class A station is not based upon any actual estimates of revenue potential, purchasing power or needs of the community, and that the application for another AM station filed by him testifies to the needs and ability of the market to support another station. With respect to the denial of a second assignment to Lebanon, Mo., South Central submits that this case rested upon the fact that the requested assignment would deprive another community of its first FM assignment and in no way applies to the subject request.²

8. We have carefully considered the contentions of the petitioner for the proposed second assignment in Waynesville and the opposition arguments of Mr. Briesacher and conclude that the Waynesville-Fort Leonard Wood area merits a second Class A assignment. We are of the view that a sufficient showing has been made as to the relationship between Waynesville and the Fort to warrant a determination that they should be considered together for the purpose of

FM station assignments. Nor do we feel the existence of newspapers in the general area and the presence of broadcast signals from other communities to be a bar to the assignment proposed. In the case of the specific assignment requested, petitioner has shown that it would not preclude use of 272A or any of the six adjacent channels in any other community of substantial size in which there may be a future need or where another assignment could not be made. This factor distinguishes this case from others such as the Lebanon, Mo., case mentioned by Mr. Briesacher, wherein a second assignment was denied. In view of the foregoing we are adding the assignment of Channel 272A to Waynesville, Mo.

9. *RM-1059; Danville, Ill.* On November 9, 1966, the Commission invited comments on a request by Paul K. Bresee, prospective applicant for a new FM station in Danville, Ill., for the addition of Channel 256 to Danville as follows:

City	Channel No.	
	Present	Proposed
Danville, Ill.	271, 276A	256, 271, 276A

Danville, located near the east-central border of Illinois, has a population of 41,856, and is the county seat and largest community in Vermilion County, which has a population of 96,176. There are presently two fulltime AM stations in Danville, WITY and WDAN. WDAN-FM holds a construction permit for Channel 271 but no applications have been filed for Channel 276A. Since we did not believe that Danville warrants the assignment of three FM channels, and since we wished to avoid the mixture of Class A and B assignments in the same community in order to assign technically competitive facilities wherever possible, we invited comments on the assignment of Channels 256 and 271 only.

10. Petitioner submits that the current population of Danville is 52,000 and attributes this increase over the 1960 figure to the recent influx of large manufacturing plants. He adds that WDAN-FM will duplicate a substantial portion of the AM programming and that there is a need for an independent broadcasting service. Finally he urges that no new FM station could survive on the available Class A channel due to the severe power and coverage limitations of such a station.

11. We are of the view that the proposed assignment of a second Class B channel to the large and important Danville market will serve the public interest and should be adopted. We are therefore assigning Channel 251 to Danville and deleting 276A in order that the two assignments will be of the same class.

12. *RM-1061; Clinton, Okla.* Western Oklahoma Broadcasting Co., licensee of Station KWOE(AM), Clinton, Okla., filed a petition for rule making on November

10, 1966, requesting the substitution of Channel 295 for 237A at Clinton, Okla., as follows:

City	Channel No.	
	Present	Proposed
Clinton, Okla.	237A	295

At the time of our notice, no applications were on file for Channel 237A. However, since then an application has been filed (BPH-5606) for this assignment at Weatherford, Okla., under the "25 mile rule". Weatherford, a community of 4,499 persons is located about 14 miles from Clinton and in the same county. Clinton, a community of 9,617 persons, is located in the west-central portion of Oklahoma, about 80 miles west of Oklahoma City. It is the largest community (but not the county seat) in Custer County, which has a population of 21,040. KWOE, licensed to petitioner, is a daytime-only station and the sole radio station in the county. Petitioner points out that the western portion of Oklahoma is sparsely populated and that a new FM station, in order to be economically feasible, must draw upon a wide area for listener and advertising support. In view of this, it is urged a Class C operation is necessary and that such an operation would provide service to a wide area now without any AM or FM nighttime radio service.

13. Normally, a community the size of Clinton would be assigned a Class A channel. However, in view of the sparsely populated area around the community and its great distance from centers of population, we are of the view that it merits a departure of our policy in this respect. We believe, therefore, that the assignment of Channel 295 to Clinton, Okla., will serve the public interest. In view of the demand for Channel 237A at Weatherford, we are also of the view that this channel should also be retained at Clinton in order that it may be available for use in the former community. Petitioner urges the assignment of Channel 237A to Weatherford rather than its retention in Clinton. However, since this would require further rule making and would serve no useful purpose, we are retaining it in Clinton where it is available for use at Weatherford.³

14. *RM-1062; Lincoln, Nebr.* Comments were invited on a petition for rule making filed jointly on November 14, 1966 by Cornbelt Broadcasting Corp., and Shurtleff-Schorr Broadcasting Corp., competing applicants for Channel 297 at Lincoln, Nebr., requesting the deletion of Channel 276 from Omaha, Nebr., and its assignment to Lincoln, as follows:

² If the applicant for Channel 237A at Weatherford or any other party wishes to petition the Commission for a change in the assignment of this channel to that community instead of Clinton, we will entertain such a request.

¹ On Mar. 6, 1967, after the last day for filing reply comments, Mr. Briesacher filed a reply to the South Central reply comments. No showing was made to justify the additional late-filed pleading. In view of this we are not considering this reply of Mr. Briesacher.

City	Channel No.	
	Present	Proposed
Lincoln, Nebr.	287A, 274, 292A, 297	287A, 270, 274, 291A, 297
Omaha, Nebr.	222, 231, 241, 263, 260, 264, 270, 283	222, 231, 241, 253, 260, 264, 283

Omaha has a population of 301,598. Of its eight Class C assignments, five are occupied and three have not been applied for. It also has six AM stations, four of which are fulltime operations. Lincoln has a population of 128,521. Stations are in operation on one of the Class A channels and on one of the Class C channels, 274. Petitioners are applicants for the sole remaining Class C Channel, 297. Cornbelt is also the licensee of KFOR (AM) and Shurtleff-Schorr is the licensee of KLIN (AM), both Class IV AM stations in Lincoln. In addition, Lincoln has another unlimited time AM station and one daytime-only station, or a total of four.

15. Petitioners point out that Channel 270 was previously assigned to Lincoln but was removed to Omaha in order that Channel 279 could be shifted from Omaha to Atlantic, Iowa. See first report and order in Docket No. 15935, 1 FCC 2d 732. They submit that Omaha, with about twice the population, has four times as many wide-area channels as Lincoln, that there is a need and demand for another Class C assignment in Lincoln, and that the proposed addition of Channel 270 would permit resolution of the conflict between the two applicants for Channel 297 at the same time that it would leave two Class C assignments available in Omaha. Finally, petitioners urge that the proposal will serve the public interest in that it would provide for a fair and equitable distribution of available facilities as provided for in section 307(b) of the Communications Act.

16. The proposed amendment would result in a number of assignments in both Lincoln and Omaha which conforms to the criteria used in setting up the table, would bring about additional FM service in Lincoln at an early date, and would represent a fair and equitable distribution of available facilities. We conclude therefore that it would serve the public interest and should be adopted, and we are so doing.

17. *RM-1067; Fresno, Calif.* In a petition filed on November 18, 1966, Radio KYNO, Inc., licensee of Station KYNO (AM), Fresno, Calif., requests the addition of a sixth Class B FM assignment (Channel 238) to Fresno as follows:

City	Channel No.	
	Present	Proposed
Fresno, Calif.	229, 233, 230, 270, 274	229, 233, 238, 250, 270, 274

18. Fresno has a population of 133,929 and its county has a population of 365,945. All of its five FM assignments are in operation. In addition, it has 10 AM stations, five of which are daytime-only

operations. Petitioner states that the present population of Fresno is 159,300 and of the county is 412,100. It submits that the city has also grown in retail sales, buying income per household and other similar characteristics. It is urged that for these reasons and because of the remoteness of Fresno from other major markets, Fresno merits an additional FM facility. Finally, petitioner states that it will file for the assignment in the event it is made final.

19. We are of the view that the requested additional FM assignment would serve the public interest and should be adopted. It would provide an additional broadcast service to the public without exceeding the criteria used in making FM assignments in this large and growing community. We are therefore assigning Channel 238 to Fresno, Calif.

20. *RM-1071; San Antonio, Tex.* Our notice invited comments on a petition for rule making filed on November 25, 1966, by Waterman Broadcasting Corp. of Texas, licensee of Station KTSA (AM), San Antonio, Tex., requesting the addition of a Class C channel to San Antonio by making the following necessary changes in other Texas communities:

City	Add	Delete
San Antonio	298	
San Marcos	279	296A
Kenedy-Karnes	232A	296A
Georgetown	244A	280A
Burnet	296A	276A

21. San Antonio has a population of 587,718 and its Standard Statistical Metropolitan Area has a population of 687,151. It has six full-time AM stations and five daytime-only stations. Of the eight Class C channels assigned to San Antonio, all but one (274) have been authorized. There are two applications for the remaining assignment, that of petitioner and that of another party specifying Alamo Heights, Tex., under the "25 mile rule". Waterman submits that the proposed addition of Channel 298 to San Antonio will remove the conflict for 274 and will result in the earlier inauguration of additional FM service to the area. It points out that there has been a 43.9 percent increase in the city population from 1950 to 1960 and that the proposal would not adversely affect any other station or assignment. Finally, Waterman urges that the rate of growth of the area shows the compelling need for an additional assignment in San Antonio.

22. Since the additional assignment requested for San Antonio would not make the total exceed the criteria used in setting up the table of assignments (we attempted to put from 6 to 10 assignments in a city the size of San Antonio) and since the proposal would substitute an equivalent assignment in each of the other communities affected (with the exception of San Marcos, where a Class C is used to replace a Class A) we were of the view that comments should be invited on the Waterman proposal as outlined above.

23. In a counterproposal, The Camel Co., licensee of Station KAML (AM), Kenedy-Karnes, Tex., and a prospective

applicant for a new FM station in that community, requests the assignment of Channel 298 to Kenedy-Karnes instead of San Antonio. Kenedy has a population of 4,301 and Karnes City has a population of 2,693. Channel 296A has been assigned to these communities in common. This party states that Kenedy-Karnes is located a substantial distance from present Class C assignments, the closest being in San Antonio and Victoria, about 50 miles distant. It urges that a Class C assignment in Kenedy-Karnes will provide the wide-area coverage needed to obtain broad support, that the area around the communities is a potential "white area" because of its location, and that Channel 298 is technically feasible in the event 296A is deleted from the area.

24. In reply comments Waterman points out certain facts about the Camel proposal for Kenedy-Karnes, noting that the chief stockholder of that corporation is also the principal stockholder in Sound Distributors, Inc., licensee of Class C Station KEEZ, San Antonio (81 kw ERP, 450 ft. a.a.t.) and also an applicant for a Class C station at Victoria (BPH-5731, proposing 38.8 kw ERP and 155 ft. a.a.t.). San Antonio is some 50 miles northwest of the Kenedy-Karnes area, and Victoria some 55 miles east. Therefore, use of a Class C channel in that area by Camel—the only party which has shown an interest in it—would have to be with quite small facilities in order to avoid 1 mv/m overlap of commonly owned stations proscribed by § 73.240 of our rules (it would be limited, in the direction of San Antonio, to 28.5 kw ERP (assuming an antenna height of 250 ft.), putting its 1 mv/m contour about 20 miles from Kenedy-Karnes, and the limitation in the direction of Victoria would be only slightly less). Thus, it is asserted, the facilities possible would not meet the minimum for new Class C stations we propose in pending rule making (50 kw ERP) and would be only slightly larger than the Class A facilities possible on the channel now assigned there. Service to "white area" claimed by Camel—as to which there was no specific showing—would thus be extremely small if it would exist at all, and it is urged that the Commission should adhere to its general policy of not assigning Class C channels to small communities. Finally, Waterman states that the objectives of Camel can virtually be accomplished through the operation of the existing Class A assignment.

25. Upon careful consideration of the comments and the counter-proposal submitted in the proceeding, we are of the view that the petitioner's proposal to assign an additional Class C assignment to San Antonio by the changes required would serve the public interest and should be adopted. It would provide the large and growing metropolitan market with an additional service and bring additional service to the area in a shorter time by eliminating the need for a comparative hearing. It would also provide the fairly large community of San Marcos (12,713) with a first Class C assignment as well. As for the counterproposal to assign the channel sought to

Kenedy-Karnes, this is the type of community to which we have assigned Class A channels. While the proponent mentions a potential "white area" to be served, no showing was made to support this claim. There are Class C assignments at San Antonio, Seguin, Victoria, Corpus Christi, and Laredo, all of which would serve a portion of the possible service area of a Class C assignment at Kenedy-Karnes. There are also several Class A assignments in the general area. Nor is a showing made that this community would or could afford to install the type of facilities which would provide wide-area coverage. In fact there is a serious question as to the possibility of any "white area" service in the event the party seeking the Class C assignment in Kenedy-Karnes is the successful applicant, in view of the overlap problem discussed by the petitioner. In any event, we believe that the assignment of Channel 298 to San Antonio should be preferred and that this assignment and the assignment of Channel 232A to Kenedy-Karnes represents a fair and equitable distribution of available facilities.

26. *RM-1073; Columbus, Nebr.* On November 28, 1966, City and Farm Broadcasting, Inc., licensee of Station KTTT (AM), Columbus, Nebr., filed a petition for rule making requesting the addition of Channel 228A to Columbus, Nebr., as follows:

City	Channel No.	
	Present	Proposed
Columbus, Nebr.....	266	228A, 266

27. Columbus, located in the east central portion of Nebraska, has a population of 12,476. It is the largest community and the county seat in Platt County, which has a population of 23,992. There are two daytime-only AM stations in Columbus, KTTT, licensed to petitioner, and KJSK. KJSK-FM operates on Channel 266. City and Farm states that it desires to provide a fulltime radio service to its audience and believes that a Class A channel would adequately serve its purpose. It urges that the additional assignment requested will not preclude other future assignments in the area and in an accompanying engineering attachment shows that numerous assignments are available to the areas surrounding Columbus.

28. We believe that Columbus needs and warrants the assignment of a second FM channel. This would permit the second daytime-only AM station in the community to provide full-time radio service without depriving any other community of a needed assignment. We are also of the view that the mixture of a Class A and C assignment is warranted under the circumstances presented in this case. We are therefore adding Channel 228A to Columbus, Nebr.

29. *RM-1074; Salt Lake City, Utah.* In a petition filed on November 28, 1966, Salt Lake City Broadcasting Co., Inc., and Granite District Radio Broadcasting Co., jointly request the additional assign-

ment of Channel 274 to Salt Lake City, Utah. These parties are the licensees of Stations KALL(AM) and KNAK(AM), and also applicants for the remaining FM channel (231) in Salt Lake City.

30. Salt Lake City has a population of 189,454 and its Standard Statistical Metropolitan Area has a population of 383,035. It has nine AM stations, four of which are daytime-only operations. It has been assigned seven Class C channels, one over the normal amount assigned to a city of its size, and all but one have been authorized. The pending applications for the remaining channel will have to go through a comparative hearing, in the event the subject request is not granted.

31. Petitioners point out that the Commission last considered the Salt Lake City FM situation in its first report and order issued in Docket No. 16212, 2 FCC 2d 647. In that proceeding a seventh channel was added to Salt Lake City (by making a change in Toeole) but a request from Salt Lake to add an eighth assignment (Channel 274) was denied.* It was concluded that the addition of one channel would represent a fair and equitable distribution of available facilities since the city had the number of assignments contemplated by the allocation principals. The decision also stated that it was recognized that a number of unused assignments in the general area existed but that the future need and demand could not be foretold.

32. Salt Lake and Granite now submit additional reasons why they believe an eighth assignment should be made to Salt Lake City in addition to the avoidance of a lengthy and costly comparative hearing. They submit that within a radius of 70 miles of Salt Lake City, as of January 1, 1966, 87.6 percent of the population of Utah reside, that the population growth of the State is within this area, and that there has been a 16.2 percent growth since 1960 in the twelve counties within the radius. On the other hand, they point out that in all but five of the remaining counties in the State there has been a population loss. They show that there are a number of Class A and C channels in most of the listed communities for which no applications have been filed. A showing is also made as to the future availability of assignments in communities throughout Utah in the event the need or demand arises. Thus, petitioners conclude that the proposal would insure additional service to the area having the greatest need without adversely affecting the future needs of other communities.

33. We have expressed concern in the past about assigning additional channels to Salt Lake City and are not convinced by the subject showing that such additions would be wise. Since this city already has one more Class C assignment (seven) than was contemplated for a city of its size, we do not believe that we would be warranted in assigning still an-

* Another party filed for this new assignment and was granted a construction permit, leaving Salt Lake and Granite still in a hearing situation.

other such channel in order to eliminate the need for a comparative hearing. Our principal concern is the fact that the assignment of Channel 274 to Salt Lake City could preclude its assignment (or that of adjacent channels) in communities which do not now have assignments and may need them in the future. Petitioners show that a large part of the population of the State lives within 70 miles of Salt Lake City and that this area is growing. It is for this reason that we should not assign the very few remaining available frequencies in this area to the city which now has a rather large share of them. Petitioners also show that many assignments are available in the southern portion of the State. However, this area is not related to the Salt Lake City area and the fact that many assignments are available to such places as Cedar City and Saint George is of no concern to us here. The area of concern is that in which the proposed assignment could preclude future needed assignments. Since there are fairly large communities, such as American Fork and Clearfield, in which Channel 274 is technically feasible, we believe that we should not adopt the petitioner's proposal but should retain this channel for future needed assignments. Accordingly, we are denying the joint request of Salt Lake City Broadcasting Co., Inc., and Granite District Radio Broadcasting Co.

34. *RM-1075; Bemidji, Minn.* On December 2, 1966, Paul Bunyan Broadcasting Co., licensee of Station KBUN(AM), Bemidji, Minn., filed a petition looking toward the substitution of Channel 266 for 252A and 269A in Bemidji, as follows:

City	Channel No.	
	Present	Proposed
Bemidji, Minn.....	252A, 269A	266

Bemidji has a population of 9,958 and Beltrami County (in which it is the county seat and largest community) has a population of 23,425. The only radio station in the county is KBUN, a Class IV AM station, licensed to petitioner. Petitioner urges the assignment of a wide-area Class C channel in view of the rural nature of the area (the population density of the county is 9.3 persons per square mile), the great distance from population centers (the nearest town of comparable size is 75 miles), and the fact that Bemidji is the business center for Beltrami and several adjacent counties. It is also submitted that Bemidji has a number of important industries, tourist resorts, churches and schools. Finally, petitioner points out that, due to the limited coverage of the AM station, there is great need for wide area coverage to provide fire prevention and other safety messages, school closings, sports, news, and educational programs.

35. While we have generally assigned Class A channels to the smaller communities and Class B and C channels to the large cities and metropolitan areas, we believe that Bemidji warrants a departure from this policy in view of the

rural nature of the surrounding area and the great distances from population centers. We are therefore adopting the proposal as outlined above. Channel 252A could be retained in Bemidji if desired but there does not presently appear warrant for assigning two channels there and it will be deleted.

36. *Longview, Wash., and Astoria, Oreg.* In addition to the above discussed proposals made by interested parties, the Commission wished to make two additional changes on its own motion. Channel 240A is presently assigned to Longview, Wash., at spacings below the minimums. In order to remove this short-spaced assignment, comments were invited on the following:

City	Channel No.	
	Present	Proposed
Longview, Wash.	240A	288A
Astoria, Oreg.	289	225

In view of the fact that these changes will remove short-spaced assignments and will provide each community with the same type of channel, we are adopting the changes proposed.

37. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

38. In accordance with the determinations made above: *It is ordered*, That effective May 22, 1967, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
California:	
Fresno	229, 233, 238, 250, 270, 274
Illinois:	
Danville	256, 271
Indiana:	
Rockville	285A
Minnesota:	
Bemidji	266
Missouri:	
Waynesville	249A, 272A
Nebraska:	
Columbus	228A, 266
Lincoln	237A, 270, 274, 292A, 297
Omaha	222, 231, 241, 253, 260, 264, 283
Oklahoma:	
Clinton	237A, 295
Oregon:	
Astoria	225
Texas:	
Burnet	296A
Georgetown	244A
Kenedy-Karnes	232A
San Antonio	225, 241, 247, 258, 262, 270, 274, 283, 298
San Marcos	279
Washington:	
Longview	288A

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 12, 1967.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-4291; Filed, Apr. 18, 1967;
8:49 a.m.]

[Docket No. 17108; FCC 67-453]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Channels; Short- Spaced Assignment, Lake City, Fla.

Report and order. 1. On January 20, 1967, the Commission issued a notice of proposed rule making in the above-entitled matter, proposing to replace Channel 34 with Channel 41 at Lake City, Fla. Channel 34 may not be used within 60 miles of the transmitter site or standard reference point where Channel 20 is assigned. Channel 20 is assigned to Gainesville, Fla., only 40.263 miles from Lake City. Channel 41 may be assigned to Lake City in full compliance with the geographic separation requirements.

2. Interested parties were invited to comment on or before February 27, 1967, and replies to any such comments could be filed on or before March 10, 1967. No comments were received. There are no pending applications for Channel 34 at Lake City. Channel 41 may be assigned to Lake City without making other changes in the table of assignments.

3. Therefore, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective May 22, 1967, the Table of Assignments in § 73.606(b) of the Commission rules is amended, insofar as the city listed below is concerned, to read as follows:

City	Channel No.
Lake City, Fla.	*41

NOTE: The appropriate offset for Channel 41 will be supplied in a subsequent order.

4. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 12, 1967.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-4292; Filed, Apr. 18, 1967;
8:49 a.m.]

[Docket No. 17109; FCC 67-454]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Channels; Short- Spaced Assignment, Lansing, Mich.

Report and order. 1. On January 20, 1967, the Commission issued a notice of

* Commissioner Cox dissenting to the action on Waynesville, Mo.

proposed rule making in the above-entitled matter, proposing to replace Channel 47 with Channel 36 at Lansing, Mich. Channel 47 at Lansing may not be used within 75 miles of the transmitter site of Station WXON, Channel 62, Detroit, Mich. The actual distance between the standard reference point in Lansing and the transmitter site of WXON is only 65.635 miles. Channel 36 may be assigned to Lansing in full compliance with the separation requirements.

2. Interested parties were invited to comment on or before February 27, 1967, and replies to any such comments could be filed on or before March 10, 1967. No comments were received. There are no pending applications for Channel 47 at Lansing. Channel 36 may be assigned to Lansing without making other changes in the table of assignments.

3. Therefore, pursuant to the authority contained in section 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective May 22, 1967, the Table of Assignments in § 73.606(b) of the Commission rules is amended, insofar as the city listed below is concerned, to read as follows:

City	Channel No.
Lansing, Mich.	6—, 36, 53

NOTE: The appropriate offsets for Channels 36 and 53 will be supplied in a subsequent order.

4. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 12, 1967.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-4293; Filed, Apr. 18, 1967;
8:49 a.m.]

[Docket No. 17110; FCC 67-455]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Channels; Short- Spaced Assignment, Temple, Tex.

Report and order. 1. On January 20, 1967, the Commission issued a notice of proposed rule making in the above-entitled matter, proposing to replace Channel 28 with Channel 46 at Temple, Tex., in order to eliminate a short spacing between the standard reference point for the Channel 28 assignment at Temple and the transmitter site of Station KHFT-TV, Channel 42, Austin, Tex. Although the shortage is relatively small, the retention of Channel 28 in Temple would restrict the choice of a transmitter site to a location north of Temple. Channel 46 may be assigned to Temple in full compliance with the geographic separation requirements.

2. Interested parties were invited to comment on or before February 27, 1967, and replies to any such comments could

be filed on or before March 10, 1967. No comments were received. There are no pending applications for Channel 28 at Temple. Channel 46 may be assigned to Temple without making other changes in the Table of Assignments.

3. Therefore, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective May 22, 1967, the Table of Assignments in § 73.606(b) of the Commission rules is amended, insofar as the city below is concerned, to read as follows:

City	Channel No.
Temple, Tex.	6, 46

NOTE: The appropriate offset for Channel 46 will be supplied in a subsequent order.

4. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307; 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 12, 1967.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4294; Filed, Apr. 18, 1967;
8:49 a.m.]

[FCC 67-429]

PART 97—AMATEUR RADIO SERVICE

Additional Examination for Holders of Novice, Technician, or Conditional Class Operator Licenses

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of April 1967:

1. The Commission has under consideration § 97.35 of its rules which relates

to the additional examination of Novice, Technician, and Conditional Class amateur radio operators by Commission personnel.

2. Paragraph (a) of § 97.35 provides that holders of these classes of licenses are subject to Commission-supervised examination of their qualifications. Paragraph (b) of § 97.35 merely warns these licensees that one of the reasons for which the Commission will direct supervised examination is when the licensee is found to be in violation of certain technical standards. This latter provision has, however, been misinterpreted by some licensees as being intended to qualify and limit the applicability of paragraph (a) of § 97.35.

3. To avoid any further confusion in this regard and since paragraph (b) of § 97.35 is a nonsubstantive provision, it appears to the Commission that it should be deleted hereby.

4. The rule change herein ordered is interpretive and procedural only and, therefore, compliance with the provisions for notice and public procedure is unnecessary and it may be made effective immediately. Authority for this rule change is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, That effective April 21, 1967, paragraph (b) of § 97.35 of the Commission's rules and regulations is deleted and the word "Reserved" inserted in lieu thereof.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Released: April 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4295; Filed, Apr. 18, 1967;
8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Elizabeth Alexandra Morton National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations: Sport fishing; for individual wildlife refuge areas.

NEW YORK

ELIZABETH ALEXANDRA MORTON NATIONAL WILDLIFE REFUGE

Sport fishing from the shore in tidal waters and access thereto by walking is permitted on the Elizabeth Alexandra Morton National Wildlife Refuge, N.Y., through December 31, 1967. The refuge is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable state regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 12, 1967.

[F.R. Doc. 67-4304; Filed, Apr. 18, 1967;
8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1500]

HAZARDOUS OCCUPATIONS IN AGRICULTURE

Employment of Children Below Age of 16

Pursuant to authority in section 13(c) of the Fair Labor Standards Act of 1938 (63 Stat. 918, as amended; 29 U.S.C. 213) and Reorganization Plan No. 2 of 1946 (3 CFR, 1943-48 Comp., p. 1064), and in accordance with 29 CFR Part 1500, Subpart D, I hereby propose to issue an interim finding and order in the form set forth below.

Accordingly, notice is hereby given of proceedings to be held on May 18, commencing at 10 a.m., in Conference Room 102 (A, B, C, D) Main Labor Building, 14th Street, and Constitution Avenue, NW., Washington, D.C., to be conducted in accordance with the procedure prescribed in 29 CFR 1500.45. Interested persons are invited to appear and submit data, views, and argument with respect to this proposal. Persons desiring to appear are requested to notify the Director of the Bureau of Labor Standards no later than 2 days prior to the date provided above. Written data, views, and argument with regard to this proposal may also be submitted to the Director of the Bureau of Labor Standards on or prior to the date provided above, and will be made part of the record.

The proposed order reads as follows:

§ 1500.70 Occupations in agriculture.

(a) *Finding and declaration of fact.* The following occupations in agriculture are particularly hazardous for the employment of children below the age of 16:

(1) Handling or applying anhydrous ammonia, any organic arsenic herbicide, organic phosphate pesticide, halogenated hydrocarbon pesticide, or heavy-metal fungicide, including cleaning or decontaminating equipment used in application or mixing of any such chemical.

(2) Handling or using a blasting agent.

(3) Working as—

(i) Driver of a truck, bus, or automobile;

(ii) Helper on a truck when such work involves riding outside the cab on a public road or highway, or riding on a running board, fender, hood, or bumper on the farm proper;

(iii) Flagman for aircraft.

(4) Operating, driving, or riding on a tractor (track or wheel, over 10 horsepower), or attaching or detaching an implement or power takeoff unit to or from such tractors.

(5) Operating or riding on a self-unloading bunk feeder wagon, a self-unloading bunk feeder trailer, a self-unloading forage box wagon, a self-unloading forage box trailer, a self-unloading auger wagon, or a self-unloading auger trailer.

(6) Operating or riding on a dump wagon or hoist wagon, fork lift, rotary tiller (except walking type), or earth-moving equipment or trenching equipment.

(7) Operating or unclogging a combine, field baler, header, windrower, swather, mower, hay conditioner, corn picker or cotton picker, or forage harvester or vegetable harvester.

(8) Operating, feeding, or unclogging any of the following machines when power-driven: stationary baler, thrasher, huller, feed grinder, chopper, silo filler, sheller, crop dryer.

(9) Feeding materials into or unclogging a roughage blower or auger conveyor.

(10) Operating a power-driven post-hole digger or power driven post driver.

(11) Operating, adjusting, or cleaning a power-driven saw.

(12) Felling, bucking, skidding, loading, or unloading timber with a butt diameter of more than 4 inches.

(13) Working from a ladder or scaffold at a height over 20 feet.

(14) Working inside a gas-tight type fruit enclosure, gas-tight type grain enclosure or gas-tight type forage enclosure, or inside a silo when a top unloading device is in operating position.

(15) Handling or curing for a dairy bull, boar, stud horse, cow with newborn young, sow with newborn young, mare with newborn young, except cleaning unoccupied pens or stalls, or feeding and watering when done from outside the pen or stall.

(b) *Definition.* As used in this order, the term "agriculture" shall mean farming in all its branches, including among other things the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15(g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

(c) *Exception.* This order shall not apply to the employment of a child below the age of 16 by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

(d) This order is issued on an interim basis pending a study in greater depth of the occupations in agriculture particularly hazardous for employment of children below the age of 16. It shall expire June 1, 1969, unless first replaced by further proceedings pursuant to Subpart D of this part.

Signed at Washington, D.C., this 11th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[P.R. Doc. 67-4251; Filed, Apr. 18, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED ARTIFICIALLY SWEETENED FRUITS

Certain Identity Standards; Additional Optional Ingredients

Notice is given that a petition has been filed by California Canners and Growers, 3100 Ferry Building, San Francisco, Calif. 94106, proposing that the standards of identity for the artificially sweetened canned fruits identified below be amended to list cyclohexylsulfamic acid as an optional nonnutritive sweetener and to list edible organic acids and salts as optional flavor-enhancing ingredients with suitable label declaration.

Grounds set forth in the petition in support of the proposals are that cyclohexylsulfamic acid is an artificial sweetener having properties making it useful as a flavor enhancer and that when used as a nonnutritive sweetener, it is generally recognized by qualified experts as safe in foods. Also, edible organic acids and salts improve the flavor of artificially sweetened canned fruits and make such foods more acceptable to consumers accustomed to the flavor of canned fruits prepared with nutritive sweeteners.

Accordingly, it is proposed that Part 27 be amended in the following respects:

1. By amending §§ 27.6 *Artificially sweetened canned peaches*; identity; label statement of optional ingredients, 27.14 *Artificially sweetened canned apricots* * * *, 27.24 *Artificially sweetened canned pears* * * *, 27.34 *Artificially sweetened canned cherries* * * *, 27.43 *Artificially sweetened canned fruit cocktail* * * *, and 27.73 *Artificially sweetened canned figs* * * *, as follows:

a. By adding "cyclohexylsulfamic acid" to the list of artificial sweeteners in paragraph (a) of each section.

b. By revising the last sentence of paragraph (a) of each section to read

"Such packing medium may be thickened with pectin and may contain any mixture of any edible organic salt or salts and any edible organic acid or acids as a flavor-enhancing agent, in a quantity not more than is reasonably required for that purpose."

c. By adding to paragraph (b)(2) of each section a new sentence reading "When any organic salt or acid or any mixture of two or more of these is added, the label shall bear the common or usual name of each such ingredient."

2. By adding to § 27.1 Definitions a new paragraph, as follows:

(g) The terms "edible organic acid" and "edible organic salt" refer to any edible organic acid and any edible organic salt added for the purpose of flavor enhancement that either is not a food additive as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act or, if it is a food additive as so defined, is used in conformity with regulations established pursuant to section 409 of the act.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), all interested persons are invited to submit their views in writing, preferably in triplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-4279; Filed, Apr. 18, 1967;
8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-WE-22]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the 700-foot portion of the Cheyenne, Wyo., transition area.

The FAA proposes to lower the minimum authorized holding altitude on the

029° T (016° M) radial of the Cheyenne VORTAC and the procedure turn altitude for the VOR-1 approach procedure from 7,900 to 7,500 feet MSL. The lowering of these altitudes will provide more efficient control of IFR traffic and expedite the execution of the approach procedure in that the requirement for a procedure turn will be eliminated. Modification of the procedures, as outlined above, will require operation at less than 1,500 feet above the surface; therefore, additional 700-foot transition area will be required.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (32 F.R. 2167) the Cheyenne, Wyo., transition area is amended by deleting all before " * * * that airspace extending upward from 1,200 feet * * *," and substituting therefor, "That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Cheyenne Municipal Airport (latitude 41°09'20" N., longitude 104°48'30" W.), and within 6 miles southeast and 8 miles northwest of the Cheyenne VORTAC 029° radial, extending from the 14-mile radius area to 14 miles northeast of the VORTAC * * *."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on April 10, 1967.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67-4253; Filed, Apr. 18, 1967;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 17364; FCC 67-431]

RADIO FREQUENCY DEVICES

Low Power Communication Devices

In the matter of amendment of rules in Part 15, Subpart E—Low Power Communication Devices; Docket No. 17364, RM 449, RM 463.

1. Notice is hereby given of proposed rule making in the above-entitled matter to delete the band 26.97-27.27 Mc/s from Subpart E of Part 15 and substitute therefor the band 49.9-50.0 Mc/s.

2. The Communications Act of 1934 as amended, provides for the control for the Federal Government of all the channels of interstate and foreign radio communication. To maintain this control, the Commission has established various classes of service under which radio transmission equipment may be operated and in accordance with Commission regulations and under the terms of a specific license granted by the Commission. Part 15 of the Commission's regulations sets forth the conditions under which a restricted radiation device, not operated in one of the prescribed services, may be used without an individual license.

3. Thus, the Part 15 rules are intended to provide a maximum freedom of operation with a minimum of regulation while at the same time protecting the licensed services from harmful interference. This philosophy is embodied in § 15.3 of Part 15 which states that no person operating any device under Part 15 shall be deemed to have "any vested or recognizable right to the continued use of any given frequency, by virtue of prior registration or certification of equipment." Under this philosophy the operator of a Part 15 device, in return for the privilege of operating without a license and with a minimum of regulation, must protect the licensed services from interference and must accept such interference as he may receive.

4. A low power communication device is defined as a restricted radiation device used for the transmission of signals by radiation of electromagnetic energy. Pursuant to the regulations in Part 15, low power communication devices may be operated in the band 26.97-27.27 Mc/s, among others, without a license with no restriction as to type of modulation or type of message that may be transmitted. These regulations take the form of a requirement (§§ 15.3 and 15.222) that no harmful interference be caused by the operation of these devices and establish specific technical limitations (§ 15.205) applicable to low power communication devices operating in the band 26.97-27.27 Mc/s.

5. The development of transistors and printed circuitry has made it possible to

build low cost, yet efficient, low power communication devices for operation in the band 26.97-27.27 Mc/s using voice communications. These devices may, under favorable conditions, provide reliable communications over distances of a mile or more. Because they are relatively cheap, these devices have caught the public fancy and are being sold by the thousands. A considerable number of these devices are used for essential business communication. By far the larger number, however, are used for hobby communications which are not permissible for Citizens Radio Service licensees.

6. The large number of such devices that are in use has created a chaotic interference condition to the Citizens Radio Service—in particular to the service of Citizens Class C and Class D Stations which are authorized to operate on frequencies between 26.96 and 27.26 Mc/s. This interference situation in turn has been the cause of numerous complaints and has prompted the filing of two petitions. RM 449 filed by Joseph S. Makera, Hartford, Conn., licensee of a Citizens Class C Radio Station, complains of intolerable interference caused by nonlicensed Part 15 voice communication devices operating on the Citizens Class C frequencies and requests that these Part 15 devices be excluded from the Class C frequencies. RM 463, filed by Perma Power Co., Chicago, Ill., a manufacturer of radio controls for garage door operators, argues that the harmful interference created by voice operated equipment in the 27 Mc/s band has rendered this band nearly unusable for radio control of garage door operators, and requests that additional frequencies be made available for such devices for use on a nonlicensed basis.

7. The interference situation thus revealed appears to negate the basis for nonlicensed operation under Part 15. Such nonlicensed operation is authorized on the premise that technical standards can be established which, if met, will preclude the likelihood of interference to the channels of interstate communication. The interference situation that has arisen between the nonlicensed Part 15 devices and the licensed Citizens Radio stations makes it necessary to reappraise the regulations which now permit nonlicensed operation of Part 15 devices in the band 26.97-27.27 Mc/s.

8. This shared use of the 27 Mc/s band has posed a formidable enforcement problem for the Commission. As a first step toward resolving this problem, we propose to separate the nonlicensed Part 15 operation from the licensed Citizens operation. Under the proposal, the 27 Mc/s frequencies would be retained for licensed Citizens Radio Stations. The nonlicensed Part 15 devices, both voice operated and control devices, would be moved to the band 49.9-50.0 Mc/s, which is and would continue to be allocated nationwide for use by the Federal Government. Part 15 devices would be permitted to use this band on a sufferance basis and, like all other devices accommodated under Part 15 of the Commission's rules, would be subject to the

conditions of § 15.3 thereof, which reads as follows:

§ 15.3 *General condition of operation.* Persons operating restricted or incidental radiation devices shall not be deemed to have any vested or recognizable right to the continued use of any given frequency, by virtue of prior registration or certification of equipment. Operation of these devices is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by other incidental or restricted radiation devices, industrial, scientific or medical equipment, or from any authorized radio service.

For a discussion of § 15.3 see paragraph 3 above.

9. Regulations permitting the operation of Part 15 devices at 27 Mc/s were intended to provide a short range communication facility for radio toys and hobby use. Experience has shown that the existing Part 15 regulations have not been adequate to control the interference potential of the low-power communication devices and that stricter and more detailed technical regulations are required. Developments in components and in manufacturing techniques in the past decade have demonstrated that not only is it feasible to produce efficient, low-cost equipment at approximately 50 Mc/s and above, but that it also is feasible to meet these stricter technical specifications without any undue increase in cost. The regulations proposed herein therefore specify a frequency tolerance for the devices, and would require stricter limitations on out-of-band radiation, namely, that any emission between 10 and 20 kc/s removed from the carrier be suppressed 25 db, and that any emission more than 20 kc/s removed from the carrier be suppressed at least 60 db. As a further limitation on unnecessary emissions, the use of superregenerative detectors will be prohibited. These regulations will also call for type approval of the transmitter part of the device. See Part 2, §§ 2.551-2.567 for information regarding type approval.

10. Attention is called to the fact that the receiver part of any low-power communication device operating in the band 49.9-50.0 Mc/s is subject to the Commission's receiver radiation rules in Subpart C of Part 15. Such a receiver must suppress the emission of radio frequency energy within the limits specified in Subpart C and must be certificated to show compliance with these rules. Notice is hereby given that, pursuant to the Commission's policy, the transmitter section of a low power communication device operating between 49.9-50.0 Mc/s may not be considered for type approval unless an acceptable certificate for the receiver portion of the device pursuant to Subpart C of Part 15 has been filed or accompanies the application for type approval. Furthermore, both the transmitter and the receiver parts of a device which includes a self-contained receiver will be tested. Type approval will be granted only when both the transmitter and the receiver parts of the device comply with the appropriate Part 15 requirements. Failure of the receiver part of the device to meet the receiver require-

ments in Subpart C will result in denial of type approval.

11. These rules will permit continued operation without a license in the band 26.97-27.27 Mc/s until not later than 7 years after the effective date of the final order that is issued in this proceeding. However, in order to accelerate the shift to the new frequencies, these rules propose to prohibit the operation without a license in the band 26.97-27.27 Mc/s of any devices manufactured more than 2 years after the effective date of the final order. Manufacturers are urged to terminate the manufacture of such Part 15 devices at the earliest possible time and thus help to expedite an orderly transition from 26.97-27.27 Mc/s to 49.9-50.0 Mc/s.

12. The proposed amendments are set out below. Authority for the adoption of the amendments herein proposed is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

13. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 22, 1967, and reply comments on or before June 6, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules of general applicability which are proposed herein, the Commission also may take into account other relevant information before it, in addition to the specific comments invited by this notice.

14. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 12, 1967.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

It is proposed to amend Part 15 as follows:

1. The text of § 15.201(a) is revised to read as follows:

§ 15.201 Frequencies of operation.

(a) A low power communication device may be operated on any frequency in the bands 10-490 kc/s, 510-1600 kc/s and 49.9-50.0 Mc/s. It may be operated in the band 26.97-27.27 Mc/s subject to termination dates in § 15.205.

2. Section 15.205 is amended by the addition of paragraphs (e) and (f) to read as follows:

§ 15.205 Operation within the frequency band 26.97-27.27 Mc/s.

¹ Concurring statement of Commissioner Cox filed as part of original document; Commissioners Wadsworth and Johnson dissenting.

(e) Operation of devices manufactured prior to (see Note 1) must be terminated not later than (see Note 2).

(f) Operation of devices manufactured on or after (see Note 1) is not permitted in this band.

NOTE 1: The date to be inserted will be approximately 2 years after the effective date of the final order that is issued in this proceeding.

NOTE 2: The date to be inserted will be approximately 7 years after the effective date of the final order that is issued in this proceeding.

3. A new § 15.207 is added to read as follows:

§ 15.207 Operation within the frequency band 49.9-50.0 Mc/s.

A low power communication device may be operated within the band 49.9-50.0 Mc/s provided it complies with the following requirements:

(a) The device shall operate on one of the following frequencies:

Mc/s	Mc/s	Mc/s
49.91	49.95	49.99
49.93	49.97	

Means may be provided for selecting the operating frequency.

(b) The carrier frequency of the device shall be maintained within ± 0.01 percent of the operating frequency. For type approval this tolerance must be maintained over the temperature range -20°C . to $+50^{\circ}\text{C}$. and for a variation in the primary supply voltage from 85 percent to 115 percent of the rated supply voltage.

(c) Except as provided in paragraphs (d) and (e) of this section emissions from the device shall be confined within a 20 kc/s band centered on the operating frequency listed in paragraph (a) of this section.

(d) The mean power of emissions shall be attenuated below the mean output power of the device in accordance with the following schedule:

(1) On any frequency between 10 kc/s and 20 kc/s removed from the carrier: At least 25 db;

(2) On any frequency removed more than 20 kc/s from the carrier: At least 60 db.

NOTE: A definition of mean power output will be found in § 5.3(m) of this chapter.

(e) The power input to the device measured at the battery or the power line terminals shall not exceed 100 milliwatts under any condition of modulation.

(f) The antenna shall be a single element 5 feet or less in length, permanently mounted on the box containing the device.

(g) The device shall be completely self-contained with the antenna per-

manently attached to the box containing the device. If a microphone is used it shall be built into the box. No remote operating position is permitted.

(h) The receiver associated with or part of this device shall not use super-regeneration and shall comply with the radiation requirements in § 15.63. If designed to operate from public utility powerlines, the conducted energy fed back into the powerlines by the receiver shall not exceed 100 microvolts on any frequency below 25 Mc/s.

(i) The device shall be type approved and identified pursuant to the procedure in §§ 15.235-15.238 inclusive.

[F.R. Doc. 67-4296; Filed, Apr. 18, 1967; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 17366; FCC 67-451]

NONCOMMERCIAL, EDUCATIONAL TELEVISION BROADCAST STATIONS

Table of Assignments; Eagle Butte, S. Dak.

In the matter of amendment of the Table of Assignments in § 73.606(b) of the Commission's rules to assign Channel 13 to Eagle Butte, S. Dak., and reserve it for noncommercial, educational use; Docket No. 17366, RM-1076.

1. Notice is hereby given of proposed rule making in the above captioned matter.

2. On December 5, 1966, the South Dakota State Board of Directors for Educational Television filed a petition requesting that Channel 13 be assigned to Eagle Butte, S. Dak. and reserved as a noncommercial, educational station. No oppositions to the petition have been filed.

3. The South Dakota State Board of Directors for Educational Television is a State agency created during the 1965 session of the South Dakota Legislature for the express purpose of promoting and sponsoring a noncommercial educational television network throughout the State of South Dakota. Since its inception, it has taken vigorous steps toward both planning and establishing a State-wide educational network. Its purpose in seeking the assignment at Eagle Butte, is to provide the maximum distribution of educational television network service throughout the north-central portion of South Dakota. In view of this purpose, petitioner emphasizes that the relatively small population of Eagle Butte, according to the U.S. Census of 1960 (495), and of its county, Dewey (5,257), is not and should not be considered significant as the station is not intended to be a program production center.

4. The National Association of Educational Broadcasters, in a comment filed in this proceeding, supports petitioner's statement that "The need for an educational television network operative throughout the State is demonstrated by the fact that in many areas throughout the State, the population is relatively sparse, and the economy is rural in nature, so that these areas do not provide the substantial tax resources for school support found in heavily populated, more industrialized areas. Therefore, in these sparsely populated rural areas it is essential that the local school curricula be supplemented by educational television broadcasting in such areas as In-class instruction at all school levels, particularly in the science and mathematics areas, In-service teacher training, specialized and professional instruction, adult education, etc."

5. In view of the above and the fact that the allocation can be accomplished without deleting any channel from any other community and without modifying or in any way altering any assignment in the present Table of Assignments, we are instituting this rule making proceeding to consider amending § 73.606(b) of the Commission's rules in respect to Eagle Butte, as listed below:

City	Channel No.	
	Present	Proposed
Eagle Butte, S. Dak.		*13+

6. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before May 22, 1967, and reply comments on or before June 1, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

8. Authority for the adoption of the amendment proposed herein is contained in section 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

Adopted: April 12, 1967.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Secretary.

[F.R. Doc. 67-4297; Filed, Apr. 18, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-1005]

NEVADA

Notice of Proposed Classification of Public Lands for Multiple Use Management

APRIL 11, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands described in paragraph 3 below, together with any lands therein that may become public lands in the future.

2. Publication of this notice has the effect of segregating the public lands described in paragraph 3 from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing or material sale laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The lands proposed to be classified are shown on Maps No. N-1005 on file in the Ely District Office, Bureau of Land Management, Ely, Nev., and the Land Office, Bureau of Land Management, Federal Building, Reno, Nev.

The lands involved are generally described as follows:

All public land in White Pine County with the exception of those lands described in paragraph 4 below.

The areas described aggregate approximately 4,334,000 acres of public land.

4. The following described public lands are not included within this proposed classification. These lands are in need of further study to determine proper classification.

MOUNT DIABLO MERIDIAN, NEVADA

- T. 16 N., R. 63 E.
 Sec. 1, Lots 5-20, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 3, Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 9, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, excluding app.
 8 acres of MS 3903;
 Sec. 12, E $\frac{1}{2}$;
 Sec. 13, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 16, W $\frac{1}{2}$ NW $\frac{1}{4}$, excluding app. 1 acre
 of ME Patents, NE $\frac{1}{4}$ NW $\frac{1}{4}$, excluding ap-
 proximately 4 acres of MS 3903, NW $\frac{1}{4}$
 NE $\frac{1}{4}$, excluding approximately 1.5 acres
 of MS 3903, SW $\frac{1}{4}$ NE $\frac{1}{4}$, excluding 12.64
 acres of MS 3458;
 Sec. 21, Old BLM Yard;
 Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$;

- Sec. 23, S $\frac{1}{2}$;
 Sec. 24, W $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 25, W $\frac{1}{2}$;
 Sec. 26, All;
 Sec. 27, N $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 28, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 35, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 36, N $\frac{1}{2}$ NW $\frac{1}{4}$.
 T. 17 N., R. 63 E.
 Sec. 1, S $\frac{1}{2}$;
 Sec. 2, Lots 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 N $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 3, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
 Sec. 10, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 11, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 12, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
 Sec. 14, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 15, N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 16, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 21, W $\frac{1}{2}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 22, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$;
 Sec. 23, All;
 Sec. 24, All;
 Sec. 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, excluding
 2.5 acres of Patent 1218746, SW $\frac{1}{4}$ NW $\frac{1}{4}$
 NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$
 SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, excluding 5 acres of
 Patent 1220864;
 Sec. 26, N $\frac{1}{2}$;
 Sec. 27, N $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 28, All;
 Sec. 33, All;
 Sec. 34, W $\frac{1}{2}$;
 Sec. 36, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 17 N., R. 64 E.
 Sec. 4, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 5, SE $\frac{1}{4}$;
 Sec. 6, Lots 6, 7, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 7, Lots 1, E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 8, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$;
 Sec. 9, W $\frac{1}{2}$;
 Sec. 16, W $\frac{1}{2}$;
 Sec. 17, All;
 Sec. 18, Lots 2, 5, 6, 7, 8, 9, 10, 11, 12, 13,
 14, 15, 16, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$,
 E $\frac{1}{2}$ W $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$
 NE $\frac{1}{4}$, excluding 5 acres of Patent
 1227479, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
 excluding 5 acres of Patent 27-66-0122;
 Sec. 19, Lots 3, 5, 6, 7, 8, 9, 10, 11, 12, 13,
 14, 15, 16, 17, 18, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 E $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$
 NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
 SW $\frac{1}{4}$;
 Sec. 20, All;
 Sec. 29, W $\frac{1}{2}$;
 Sec. 30, Lots 3, 4, 5, 6, 7, 8, 10, 11, 17,
 E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$
 SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$
 SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 31, Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$;
 Sec. 32, W $\frac{1}{2}$;
 T. 18 N., R. 63 E.
 Sec. 12, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 13, W $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 24, W $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 25, W $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 35, SE $\frac{1}{4}$;
 Sec. 36, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 T. 18 N., R. 64 E.
 Sec. 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 8, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 9, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 10, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 33, E $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The lands described aggregate 21,800.52 acres.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Ely District Manager, Bureau of Land Management, Ely, Nev.

6. A public hearing on the proposed classification will be held on May 4, 1967 at 7 p.m. in the Courtroom of the White Pine County Courthouse, Ely, Nev.

MARTIN W. BUZAN,
 Acting State Director, Nevada.

[F.R. Doc. 67-4244; Filed, Apr. 18, 1967;
 8:45 a.m.]

[OR1499 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

APRIL 7, 1967.

The Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, has filed an application, Serial No. OR1499 (Wash.), for the withdrawal of the public lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws.

The applicant desires to use the land for the management of migratory birds and other wildlife as an extension of the Willapa National Wildlife Refuge.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Sport Fisheries and Wildlife.

The determination of the Secretary on the application will be published in the

FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

T. 13 N., R. 11 W.

Sec. 4, lots 1 to 6, inclusive, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 5, lot 1;

Sec. 8, lots 1 to 4, inclusive, E $\frac{1}{2}$ NE $\frac{1}{4}$, and

SE $\frac{1}{4}$;

Sec. 9, lots 1 to 11, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and

NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 10, lot 1;

Sec. 16, lots 3 to 7, inclusive, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 17, lots 1 to 6, inclusive, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described aggregates 1,433.13 acres.

ERLING A. OLSON,

Chief, Lands Adjudication Section.

[F.R. Doc. 67-4345; Filed, Apr. 18, 1967; 8:45 a.m.]

National Park Service

[Order No. 1]

ADMINISTRATIVE ASSISTANT, EAST NATIONAL CAPITAL PARKS, MD.

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of \$2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant in behalf of any coordinated area.

(National Park Service Order 34 (31 F.R. 4255) as amended; 39 Stat. 535; 16 U.S.C., 1952, sec. 2. National Capital Region Order 3 (31 F.R. 8500))

Dated: March 28, 1967.

GROVER E. STEELE,

Superintendent,
East National Capital Parks.

[F.R. Doc. 67-4247; Filed, Apr. 18, 1967; 8:45 a.m.]

ROCKY MOUNTAIN NATIONAL PARK AND SHADOW MOUNTAIN NATIONAL RECREATION AREA

Notice of Intention To Issue Concession Permits

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Superintendent of Rocky Mountain National Park and Shadow Mountain National Recreation Area, National Park Service, proposes, thirty (30) days after the publication of this notice, to issue the following authorizations for the period January 1, 1967, through December 31, 1971: R.

Frank Norton, doing business as Norton's Marina and John A. Dillie, doing business as Dillie Docks.

The foregoing concessioners have performed their obligations under prior permits to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above are entitled to be given preference in the renewal of permits and in the negotiations of new permits. However, under the act cited above, the Service is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Superintendent, Rocky Mountain National Park and Shadow Mountain National Recreation Area, Post Office Box 1080, Estes Park, Colo. 80517, for information as to the requirements of the proposed permits.

Dated: March 21, 1967.

FRED J. NOVAK,

Superintendent, Rocky Mountain National Park and Shadow Mountain National Recreation Area.

[F.R. Doc. 67-4248; Filed, Apr. 18, 1967; 8:45 a.m.]

KINGS CANYON NATIONAL PARK, CALIF.

Jurisdiction Over Certain Lands Added to Park

Notice is hereby given that effective as of the first day of March 1967, at 12 m., P.s.t., the United States accepted exclusive jurisdiction over those lands described in, and added to Kings Canyon National Park by the Act of Congress approved August 14, 1958 (72 Stat. 616), and by the Act of Congress approved August 6, 1965 (79 Stat. 446).

This acceptance of legislative jurisdiction was subject to those reservations contained in the Act of the legislature of the State of California of April 7, 1943 (sec. 119 of the Government Code of California). Such acceptance was effected by notifying the Governor of the State of California by a letter signed by Secretary of the Interior Stewart L. Udall and received by the Governor on March 7, 1967. This letter reads as follows:

HON. RONALD REAGAN,
Governor of California,
Sacramento, Calif. 95814

DEAR GOVERNOR REAGAN: Notice is hereby given in accordance with the requirements of the act of October 9, 1940 (54 Stat. 1083; 40 U.S.C., sec. 255), that, effective as of the 1st day of March 1967, at 12 m., P.s.t., the United States accepts exclusive jurisdiction over all those lands added to Kings Canyon National Park by the act of August 14, 1958 (72 Stat. 616), and by the act of August 6, 1965 (79 Stat. 446), subject to the reservations made in the Act of the Legislature of the State of California of April 7, 1943 (sec. 119 of the Government Code of California), ceding such jurisdiction to the United States. The said lands added to the park are described in the two foregoing acts of Congress.

By letter dated April 21, 1945, to the then Governor of the State of California, the then Secretary of the Interior, Mr. Harold L. Ickes, accepted exclusive jurisdiction over all lands

included within the park on that date. This present letter supplements the earlier letter by accepting exclusive jurisdiction over all lands added since that time and is intended to cover all lands presently included within the boundaries of the park not affected by the earlier acceptance.

Copies of the earlier acceptance and of the two aforesaid acts of Congress adding land to the park are enclosed for your reference.

It is requested that you endorse the enclosed duplicate original of this notice of acceptance, indicating the date and time of its receipt, and return it to this Department. There is enclosed for your convenience a self-addressed envelope which requires no postage.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Enclosures 5

Received this 7th day of March 1967, at 11 a.m.

RONALD REAGAN,
Governor of California.

Done at the City of Washington, D.C., this 12th day of April 1967.

GEORGE B. HARTZOG, JR.,
Director, National Park Service.

[F.R. Doc. 67-4249; Filed, Apr. 18, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement No. 146]

PEANUTS

Budget of Expenses of Administrative Committee and Rate of Assessment for 1967 Crop Year

Pursuant to Marketing Agreement No. 146, regulating the quality of domestically produced peanuts, and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1967 and for the crop year beginning July 1, 1967, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1967, shall be in the total amount of \$225,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determine to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the Terms and Conditions of Indemnification Applicable to 1967 Crop Peanuts, effective July 1, 1967, are estimated at, but may exceed, \$1,350,000.

(c) *Rate of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with section 48 of the Agreement, an assessment at the rate of \$1.75 per net ton of

farmers stock peanuts received or acquired other than those described in section 31 (c) and (d) (\$0.25 for administrative expenses and \$1.50 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to section 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the \$1.50 rate and not expended in providing indemnification on 1967 crop peanuts shall be placed in such reserve and shall be available to pay indemnification expenses on subsequent crops.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beginning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments, they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessment for approval; handlers have had knowledge of the foregoing in their recent industry-wide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: April 13, 1967.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 67-4261; Filed, Apr. 18, 1967;
8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census MULTIUNIT COMPANIES

Number of Employees, Taxable Wages, Geographic Location and Kind of Business for Establishment; Notice of Determination for Surveys

In conformity with Title 13, U.S. Code 181, 224, and 225, and due notice of consideration having been published on March 3, 1967 (32 F.R. 3716), I have determined that a First Quarter 1967 Survey of Selected Multiunit Companies is needed to collect information for the 1967 County Business Patterns Report. The Survey is similar to those conducted for previous County Business Patterns Reports and is designed to collect information on number of employees, taxable wages, geographic location, and kind of business for establishments of selected multiunit companies. Only those companies which do not report in sufficient detail to other Federal Agencies will be required to report in this Survey. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional

copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

Dated: April 5, 1967.

A. ROSS ECKLER,
Director,
Bureau of the Census.

[F.R. Doc. 67-4237; Filed, Apr. 18, 1967;
8:45 a.m.]

Business and Defense Services Administration

CALIFORNIA INSTITUTE OF TECHNOLOGY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00026-15-91000. Applicant: California Institute of Technology, 1201 East California Boulevard, Pasadena, Calif. 91109. Article: Birefringent Filter for H-Alpha, Manufacturer: Bernhard Halle Nachf., Optische Werkstätten, Germany. Intended use of article: Applicant states: "Photography of the sun through a telescope * * * For H-Alpha Band Pass 0.5 (0.5A)." Application received by Commissioner of Customs: April 6, 1967.

Docket No. 67-00025-65-46040. Applicant: Pennsylvania State University, Materials Research Laboratory, 1-112 Research Unit No. 1, University Park,

Pa. 16802. Article: Scanning Electron Microscope. Manufacturer: Japanese Electron Optical Co., Japan. Intended use of article: Applicant states:

1. Studies of growth features on crystals.
2. Studies of thin film textures and growth phenomena.
3. Examination of powders.
4. Study of relation of domain boundaries to crystallinity size in ferromagnetic materials.
5. Studies of nucleation in glasses and single crystals.
6. Studies of composite materials—especially the examination of interfaces and reactions of the phases.
7. Examination of etch pits on single crystals.
8. Examination of microminiature circuits (chips) for continuity of circuit.
9. Studies of fields in region of depletion zone in semiconductor devices.
10. High resolution cathodo-luminescence phenomena.
11. Studies on the structure of cleaved semiconductor surfaces and associated decoration phenomena.
12. Study of diffusion effects and potential profiles at heterojunctions.

Application received by Commissioner of Customs: April 6, 1967.

Docket No. 67-00024-33-46500. Applicant: Veterans Administration Hospital, 5901 East Seventh Street, Long Beach, Calif. 90804. Article: Microtome—Thermal Advance Ultramicrotome, Model-SIDEA "Om U2." Manufacturer: C. Reichert Optische Werke A. G., Austria. Intended use of article: Applicant states: "Prepare ultrathin single and serial sections continuously variable from 0 to 10,000" by means of thermal advance for electron and light microscopy." Application received by Commissioner of Customs: April 5, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and
Technical Equipment, Business
and Defense Services
Administration.

[F.R. Doc. 67-4236; Filed, Apr. 18, 1967;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FMC CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 7F0572) has been filed by FMC Corp., Niagara Chemical Division, Middleport, N.Y. 14105, proposing the establishment of a tolerance of 0.05 part per million for residues of the fungicide 1-chloro-2-nitropropane in or on the raw agricultural commodities, beets (garden), cotton seed, cucumbers, melons, onions, and peas.

The analytical method proposed in the petition for determining residues of the

fungicide is an electron-capture gas chromatographic technique.

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-4280; Filed, Apr. 18, 1967;
8:48 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2157) has been filed by Shell Chemical Co., a Division of Shell Oil Co., 110 West 51st Street, New York, N.Y. 10020, proposing the issuance of a regulation to provide for the safe use of tetrahydrophthalic anhydride as a curing agent for epoxy resins used as articles or components of articles for repeated food-contact use.

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-4281; Filed, Apr. 18, 1967;
8:48 a.m.]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346(a)(1)), notice is given that a petition (PP 7F0581) has been filed by Stauffer Chemical Co., Richmond, Calif. 94800, proposing the establishment of a tolerance of 0.1 part per million for residues of the herbicide S-(O,O-diisopropyl phosphorodithioate) of N-(2-mercaptoethyl) benzenesulfonamide in or on the raw agricultural commodities cottonseed, cucumbers, lettuce, melons, and summer squash.

The analytical method proposed in the petition for determining residues of the herbicide consists of first separating the residue by paper chromatography and then analyzing for phosphorus by precipitation and titration of the phosphomolybdate precipitate.

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-4282; Filed, Apr. 18, 1967;
8:48 a.m.]

W. R. GRACE & CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), W. R. Grace & Co., Dewey & Almy Chemical Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, has withdrawn its petition (FAP 7B2119), notice of which was published in the FEDERAL REGISTER of November 23, 1966 (31 F.R. 14852), proposing an amendment to § 121.2550 *Closures with sealing gaskets for food containers* to provide for use of polyoxyethylated (20 moles) oleyl alcohol in the manufacture of closure-sealing gaskets for food containers when used at levels not to exceed 1 percent by weight of the gasket composition.

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-4283; Filed, Apr. 18, 1967;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17436]

ALLEGHENY AIRLINES ROUTE 97 INVESTIGATION

Notice of Postponement of Prehearing Conference

Because April 25, 1967, the date presently scheduled for the prehearing conference in the above-entitled proceeding, is the first day of the Passover holiday, the prehearing conference is hereby postponed until April 27, 1967, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., April 13, 1967.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 67-4273; Filed, Apr. 18, 1967;
8:47 a.m.]

[Docket No. 18042; Order No. E-24982]

TRANS-TEXAS AIRWAYS, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of April 1967.

On December 14, 1966, Trans-Texas Airways, Inc. (Trans-Texas), filed an application for an exemption to provide nonstop service between Dallas and Midland-Odessa, Tex., on a subsidy ineligible basis.¹

In support of its application, Trans-Texas contends that the present Dallas-Midland/Odessa service is not adequate to meet the needs of the traveling public, evidenced by the fact that all flights operated in this market during May 1966 by

¹ Trans-Texas is authorized to provide service between Dallas and Midland-Odessa over segment 9 of Route 82 subject to Condition (4) (c) of its certificate which requires service to at least 1 intermediate point on flights operating between Dallas or Ft. Worth and Midland-Odessa. Order E-23502, April 8, 1966.

Continental had an average load factor of 80.5 percent eastbound and 73.8 percent westbound. Trans-Texas estimates that by 1967, O&D traffic in the market will reach 123,789 passengers annually or 170 passengers a day in each direction which will support nonstop services by both Continental and Trans-Texas.

Trans-Texas proposes to improve the service provided in the Dallas-Midland/Odessa market by offering an afternoon, nonstop flight westbound with DC-9 aircraft which will be timed to accommodate connecting passengers in Dallas after Continental's midafternoon departure.² Eastbound Trans-Texas flights will be timed to arrive in Dallas for convenient connections with flights departing Dallas between 1700 and 1800.³ In addition to the DC-9 nonstop service, Trans-Texas proposes to reroute a flight that now operates between points in southeastern New Mexico and Dallas through Midland-Odessa and beyond nonstop to Dallas. This flight, which now operates with CV-240 aircraft, will be operated with faster CV-600 aircraft thereby maintaining the present Dallas arrival time to meet critical midday connections at Dallas.

According to Trans-Texas, the nonstop service which it proposes to offer in the Dallas-Midland/Odessa market will accommodate 24,760 passengers without any appreciable diversion from Continental. Trans-Texas estimates that this volume of traffic will produce commercial revenues of \$560,810 with operating expenses of \$408,084, for an operating gain of \$152,726. After computation of return on investment and tax allowance, the net result is an estimated \$56,000 reduction in subsidy need.

The cities and chambers of commerce of Dallas, Midland, and Odessa support Trans-Texas' application and Continental filed an answer in opposition.

In its answer, Continental states that by November 1966 load factors in the Dallas-Midland/Odessa market on westbound flights had declined to 57.6 percent and on eastbound flights the average load factor had dropped to 66.8 percent. Continental also contends that, with a full pattern of DC-9 service in the market,⁴ no additional nonstop serv-

² Continental's flight 193 departs Dallas at 1330 and Trans-Texas' proposed flight 993 would depart 1415. Four inbound trunkline flights arrive in Dallas at approximately 1344. The minimum interline connecting time at Dallas is 30 minutes. OAG, QRE, April 1967.

³ Trans-Texas proposed flight 994 will arrive in Dallas at 1625 and Continental's flight 188, which operates 1-stop between Midland-Odessa and Dallas, arrives in Dallas at 1610.

⁴ In December 1966, Continental provided 3½ nonstop round trips and one 1-stop round trip in the Dallas-Midland/Odessa market with Viscount aircraft and one-half round trip nonstop with DC-9 aircraft, while Trans-Texas offered two 1-stop flights westbound and two 2-stop flights eastbound with CV-240 and CV-600 equipment. OAG, QRE, December 1966. In April 1967 Continental added an additional nonstop round trip and now provides 5 nonstop round trips and one 1-stop round trip with DC-9 aircraft. However, Trans-Texas still provides two 2-stop flights eastbound and two 1-stop flights westbound with CV-240 and CV-600 aircraft. OAG, QRE, April 1967.

ice is required between Dallas and Midland-Odessa and that there is some doubt that Trans-Texas would have DC-9 time available to operate its proposed turnaround service in the market.*

After full consideration of the issues raised by Trans-Texas' application and the responsive pleadings filed, the Board tentatively finds and concludes that Condition (4) (c) in Trans-Texas' certificate for Route 82 should be amended so as to authorize nonstop service between Dallas and Midland-Odessa on segment 9 subject to a condition which would make all nonstop flights operated by Trans-Texas between Dallas and Midland-Odessa ineligible for subsidy.⁸ Interested persons will be given 20 days from the service date of this order to show cause why the tentative findings and conclusions reached herein should not be made final.

The Dallas-Midland/Odessa market is a relatively medium-haul market with a 320-mile stage length which, in recent years, has had one of the highest growth rates experienced in domestic markets. From 1959 through 1965 the total local and connecting passengers in the market increased from 41,610 to 86,120, or at an average annual growth rate of 12.9 percent. And, in the period 1963-65, the annual growth rate in the market was 41.8 percent compared to the national average of 35.4 percent. For the third quarter, 1965, there were 238 local and connecting passengers a day in both directions⁹ and we tentatively find that this market will generate at least 124,000 passengers annually or 340 passengers a day in both directions.¹⁰

We are of the tentative view that the traveling public in a market of this size will benefit from competitive nonstop service, and that such service will contribute to the further development of the market, and the maintenance of the high rate of traffic growth. In addition, we believe that the diversion Continental would suffer would be offset by growth in the market, and in any event, would not be so significant as to outweigh the benefits to the public that would be achieved by our proposed action.

We also tentatively find that Trans-Texas will be able to achieve an operating profit of approximately \$67,000 in the

first year of operations, and that it should be able to realize a full return on its investment within a relatively short time. We have analyzed Trans-Texas' forecast carefully, and differ with the carrier in the estimate of expenses that would be incurred. We believe that the carrier understated aircraft operating expenses by using a cost per block hour which was \$50 less than the industry experience, and that in addition Trans-Texas underestimated its servicing expense by approximately \$54,000. While we recognize that Continental has added service since the filing of Trans-Texas' application, we consider Trans-Texas' traffic and revenue forecast to be reasonable and attainable.¹¹

The action which the Board proposes to take is consistent with our policy to act affirmatively in situations which hold promise for increased benefits to the traveling public as well as for route strengthening for subsidized local service carriers. Since it appears that the proposed service will at least produce an operating gain for Trans-Texas, we will impose a condition in any amended certificate issued to Trans-Texas which will make all nonstop flights operated by Trans-Texas between Dallas and Midland-Odessa ineligible for subsidy.¹²

In granting interested persons the opportunity to show cause why our tentative findings and conclusions should not be adopted, we expect such persons to support their objections with detailed answers specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and supported by legal precedent or detailed economic analysis.

Accordingly, it is ordered, That:

1. A proceeding be and it hereby is instituted in Docket 18042 pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require, and the Board should order the amendment of Condition (4) (c) in the certificate of public convenience and necessity for Route 82 now held by Trans-Texas so as to authorize nonstop service between Dallas or Fort Worth and Midland-Odessa, Tex., subject to a Condition (10) to the aforementioned certificate to read as follows:

Condition (10) The holder's authority to engage in the transportation of mail on all nonstop flights operated between Dallas or Fort Worth and Midland-Odessa, Tex., is limited to the carriage of mail on a non-

*Trans-Texas appears to have overstated its nonpassenger revenue by some \$6,300 due to the use of an incorrect ratio. Trans-Texas used a ratio of 9.36 percent, the correct ratio for the year ended Sept. 30, 1966 is 8.12 percent.

¹¹Class Rate III-A was reopened as of Jan. 1, 1967 (Order E-24562, Dec. 27, 1966), and as of this date Class Rate IV has not been promulgated. Should the final order in the instant case issue subsequent to promulgation of Class Rate IV, any awards granted in accordance with the tentative findings made herein would, of course, be subject to such ad hoc provisions as are contained in the Class Rate IV order.

subsidy basis, i.e., on a service mail rate to be paid entirely by the Postmaster General, and the holder shall not be entitled to any subsidy with respect to such operations;

2. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue to Trans-Texas a certificate of public convenience and necessity amended in the manner set forth in ordering paragraph 1 above;

3. Any interested persons having objection to issuance of an order making final the proposed findings, conclusions and certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of statistical data and other evidence expected to be relied upon to support the stated objections;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;¹³

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

6. The motion of Midland-Odessa, Tex., for leave to file a reply to Continental's answer is granted; and subject to a Condition (10) to the aforementioned certificate to read as follows:

Condition (10) The holder's authority to engage in the transportation of mail on all nonstop flights operated between Dallas or Fort Worth and Midland-Odessa, Tex., is limited to the carriage of mail on a nonsubsidy basis, i.e., on a service mail rate to be paid entirely by the Postmaster General, and the holder shall not be entitled to any subsidy with respect to such operations;

2. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue to Trans-Texas a certificate of public convenience and necessity amended in the manner set forth in ordering paragraph 1 above;

3. Any interested persons having objection to issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of statistical data and other evidence expected to be relied upon to support the stated objections;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues

¹³All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained. Nor shall the filing of any such motions, requests or petitions for reconsideration operate to stay the effectiveness of paragraph 3.

*Trans-Texas filed a reply to Continental's answer and Midland-Odessa moved to file a reply. Midland-Odessa's motion to file a reply will be granted. Both replies contend, in substance, that additional seat capacity is required in the market and that this service should be provided by Trans-Texas.

⁹Although, in its application, Trans-Texas did not seek a certificate amendment, the Board has determined to take the action herein on its own initiative pursuant to the provisions of sec. 401(g) of the Federal Aviation Act of 1958, as amended.

¹⁰Continental's participation in the market during this period was 93.3 percent compared to Trans-Texas' participation of 6.7 percent.

¹¹We have examined the T-5 schedules filed by Trans-Texas and the intermediate points on segment 9 between Dallas and Midland-Odessa, Abilene, and Big Spring, appear to be receiving adequate service responsive to their needs. Any additional service in the intermediate markets might result in uneconomic overscheduling of service.

raised by the objections before further action is taken by the Board; "

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

6. The motion of Midland-Odessa, Tex., for leave to file a reply to Continental's answer is granted; and

7. A copy of this order shall be served on Trans-Texas Airways, Inc., Continental Air Lines, Inc., the cities and chambers of commerce of Dallas, Fort Worth, Midland, and Odessa, Tex., who are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board,

[SEAL] HAROLD R. SANDERSON,
Secretary.

[P.R. Doc. 67-4274; Filed, Apr. 18, 1967;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15469, 15470; FCC 67M-613]

ADVANCED ELECTRONICS AND INDUSTRIAL COMMUNICATIONS SYSTEMS, INC.

Order Rescheduling Hearing

In re applications of R. L. Mohr, doing business as Advanced Electronics, Docket No. 15469, File No. 214-C2-P-63; for a construction permit in the domestic public land mobile radio service at Palos Verdes, Calif.; Industrial Communications Systems, Inc., Docket No. 15470, File No. 1050-C2-P-63; for a construction permit for station KMD-990 in the domestic public land mobile radio service at Los Angeles, Calif.

Upon oral request by counsel for Industrial Communications Systems, Inc., made this date and agreed to by the other parties: *It is ordered*, This 11th day of April 1967, that the further hearing in the above matter now scheduled for April 18, 1967 is rescheduled to commence at 10 a.m., April 19, 1967, in the Commission's offices in Washington, D.C.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-4298; Filed, Apr. 18, 1967;
8:49 a.m.]

"All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained. Nor shall the filing of any such motions, requests or petitions for reconsideration operate to stay the effectiveness of paragraph 3.

[Docket Nos. 17234-17241; FCC 67M-608]

CATV OF ROCKFORD, INC., ET AL. Statement and Order After Prehearing Conference

In re petitions by CATV of Rockford, Inc., Rockford, Ill., Docket No. 17234, File Nos. CATV 100-23, 100-39; Rockford Community Television, Inc., Loves Park, Ill., Docket No. 17235, File No. CATV 100-68; TV Cable Company of Stephenson County, Freeport, Ill., Docket No. 17236, File No. CATV 100-105; Beloit Community Television Services, Inc., Beloit, Wis., Docket No. 17237, File No. CATV 100-92; Television Wisconsin, Inc., Whitewater, Wis., Docket No. 17238, File No. CATV 100-26; Whitewater Cable Corp., Whitewater, Wis., Docket No. 17239, File No. CATV 100-37; Jefferson Cable Corp., Jefferson, Wis., Docket No. 17240, File No. CATV 100-51; Total TV, Inc., Janesville, Wis., Docket No. 17241, File No. CATV 100-13; for authority pursuant to § 74.1107 to serve and operate CATV systems in the Milwaukee, Wis., Market (24), Madison, Wis., Market (80), and Rockford, Ill., Market (99).

At today's prehearing conference, among other things, the following schedule was set up:

Parties to exchange written portion of direct cases (at same time sponsoring witnesses shall be specified) by June 28, 1967.

Receipt of notification of witnesses desired for cross-examination by July 10, 1967.

Hearing (rescheduled from April 24) July 17, 1967. So ordered, this 12th day of April 1967.

Released: April 13, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-4299; Filed, Apr. 18, 1967;
8:49 a.m.]

[Docket Nos. 17256, 17257; FCC 67M-615]

EAST ST. LOUIS BROADCASTING CO., INC., AND METRO-EAST BROADCASTING, INC.

Order Following Further Prehearing Conference

In re applications of East St. Louis Broadcasting Co., Inc., East St. Louis, Ill., Docket No. 17256, Filed No. BP-16579; Metro-East Broadcasting, Inc., East St. Louis, Ill., Docket No. 17257, File No. BP-16682; for construction permits.

In accordance with the procedural arrangements made at the prehearing conference held this date: *It is ordered*, This 11th day of April, 1967, that the future course of the proceeding under the existing issues shall be governed by adherence of all parties to the following schedule:

PROCEDURE AND DATE

A. Issue 1 matters:

(1) Preliminary exchange of engineering exhibits re Issue 1, May 15, 1967.

(2) Final exchange of engineering exhibits re Issue 1, May 22, 1967.

(3) Exchange of exhibits re waiver of section 73.188(b), May 22, 1967.

(4) Exchange of any rebuttal engineering exhibits re Issue 1, June 5, 1967.

(5) Notification re cross-examination of witnesses on engineering or waiver of exhibits, June 13, 1967.

B. Standard comparative Issue (No. 2):

(1) Exchange of exhibits re direct cases, June 22, 1967.

(2) Notification re cross-examination of witnesses, July 3, 1967.

It is further ordered, That the date for commencement of hearing heretofore scheduled for April 27 is continued to June 22, 1967, at 10 a.m., in the offices of the Commission at Washington, D.C. (this phase of the hearing to be concerned with Issue 1 matters only), and that further hearing under the standard comparative issue (Issue 2) will commence on July 11, 1967 at 10 a.m. in Washington, D.C.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-4300; Filed, Apr. 18, 1967;
8:49 a.m.]

[Docket Nos. 17181-17183; FCC 67M-611]

UNITED TRANSMISSION, INC., ET AL.

Order Regarding Procedural Dates

In re United Transmission, Inc., Russell, Kans., Docket No. 17181; Kays, Inc., Hays, Kans., Docket No. 17182; Cobb & Associates, Inc., Great Bend, Hoisington, and Larned, Kans., Docket No. 17183; requests for special relief filed pursuant to § 74.1109 of the Commission's rules.

A prehearing conference having been held on April 13, 1967, whereat certain agreements were reached and certain rulings were made:

It is ordered, This 13th day of April 1967, that:

(1) The parties' cases shall be presented primarily in the form of sworn, written exhibits, but may be supplemented by oral testimony;

(2) Direct and rebuttal exhibits on Issue No. 1 shall be exchanged on or before June 20, and August 11, 1967, respectively;

(3) Direct and rebuttal exhibits on Issue No. 2 shall be exchanged on or before July 28, and August 22, 1967, respectively;

(4) Direct and rebuttal exhibits on Issue No. 3 shall be exchanged on or before August 11, and September 1, 1967, respectively;

(5) On or before the date scheduled for the exchange of exhibits directed to any issue, any party proposing to supplement its case on such issue by oral testimony shall exchange a list of its witnesses and a brief statement as to the facts to be elicited from each witness;

(6) Any party wishing to call for cross-examination the sponsor of any other party's direct or rebuttal exhibits shall give notification thereof on or before August 30, and September 6, 1967, respectively; and

(7) Hearing shall commence on September 6, 1967, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: April 13, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-4301; Filed, Apr. 18, 1967;
8:49 a.m.]

[Docket Nos. 17117, 17118; FCC 67M-614]

WARD L. JONES AND MARS HILL BROADCASTING CO., INC.

Memorandum of Ruling; Extension of Procedural Dates

In re applications of Ward L. Jones, Syracuse, N.Y., Docket No. 17117, File No. BPH-5314; Mars Hill Broadcasting Co., Inc., Syracuse, N.Y., Docket No. 17118, File No. BPH-5450; for construction permits.

In order to formalize a ruling made in the further prehearing conference held this date, granting an oral request by counsel for Ward L. Jones, over the opposition of counsel for applicant Mars Hill, for extension of the heretofore scheduled procedural dates as reflected below, in connection with the accomplishment by the requestor applicant of a survey pertaining to the programing question and the resulting preparation and exchange of exhibits;

It is ordered, This 13th day of April 1967, that the aforementioned oral request for extension of procedural dates is granted, and such dates are extended as follows:

(1) Exchange of written exhibits, from April 14, to May 16, 1967;

(2) Notifications re cross-examination of witnesses, from April 28, to May 31, 1967; and

(3) Commencement of the hearing, from May 9, to June 13, 1967 at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-4302; Filed, Apr. 18, 1967;
8:50 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

PEOPLES BANK, STARKVILLE, MISS.

Notice of Application; Exemption From Provisions of Securities Ex- change Act of 1934

Pursuant to authority granted the Corporation under sections 12(h) and 12(i) of the Securities Exchange Act of 1934, as amended, notice is hereby given to all interested parties that the Peoples Bank, Starkville, Miss., has applied to the Federal Deposit Insurance Corporation for exemption from certain provisions of that Act. The bank has asked the Corporation to exempt it, its officers, directors, and certain controlling persons from the requirements of sections 12, 13, 14, and 16 of the Act.

Notice is hereby given that interested persons will have opportunity to present their written views or comments on this application within 20 days following the date of publication of this notice in the FEDERAL REGISTER. Communications should be addressed to the Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429.

Dated this 12th day of April 1967.

FEDERAL DEPOSIT INSURANCE
CORPORATION,

[SEAL] E. F. DOWNEY,
Secretary.

[P.R. Doc. 67-4240; Filed, Apr. 18, 1967;
8:45 a.m.]

FEDERAL MARITIME COMMISSION

FILLETTE, GREEN & COMPANY OF
TAMPA ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative

working agreements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Fillette, Green & Co. of Tampa, Tampa, Fla., and Atlantis Shipping Co., Ltd., New York, N.Y.	FF-3295
Koeller-Struss Co., St. Louis, Mo., and Frank P. Dow Co., Inc., Seattle, Wash. (Branches)	FF-3297
Stanley Lindo & Co., Los Angeles, Calif., and Air-Sea Forwarding Service, Inc., Miami, Fla.	FF-3298
Stanley Lindo & Co., Los Angeles, Calif., and Hugo Zanelli & Co., Houston, Tex.	FF-3299
American Union Transport Forwarding, Inc., New York, N.Y., and McDendon Forwarding Co., Houston, Tex.	FF-3300
John S. James, Savannah, Ga., and Fillette, Green & Co. of Tampa, Tampa, Fla.	FF-3305
Rohner, Gehrig & Co., Inc., New York, N.Y., and B. A. McKenzie & Co., Inc., Tacoma, Wash.	FF-3306
Colonial Shipping Co., Inc., New York, N.Y., and Buckley & Co., New York, N.Y. (Branch)	FF-3307
Smith & Kelly Co., Savannah, Ga., and Fred P. Gaskell Co., Inc., New York, N.Y. (Branches)	FF-3308
Intra-Mar Shipping Corp., New York, N.Y., and Smith & Kelly Co., Savannah, Ga.	FF-3309
Intra-Mar Shipping Corp., New York, N.Y., and Southern Shipping Co., Savannah, Ga.	FF-3310
Samuel Shapiro & Co., Inc., Baltimore, Md., and E. A. Jasper, Inc., New York, N.Y.	FF-3311

Agreement No. FF-3296 between Export Enterprises, Inc., Philadelphia, Pa., and Saratoga Forwarding Co., Boston, Mass., is a cooperative working arrangement whereunder ocean freight compensation is to be retained by the originating forwarder. The basic fee for passing shipper's export declaration will be: \$5 each. Other forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services rendered or to be performed.

Agreement No. FF-3301 between Lunham & Reeve, Inc., New York, N.Y., and George S. Bush & Co., Seattle, Wash., is a cooperative working arrangement whereunder forwarding and service are as arranged. Special services remain subject to negotiation and agreement on each transaction. Ocean freight brokerage: Specially 50 percent to be received by each of both parties signing this agreement.

Agreement No. FF-3302 between F.N.S. Corp., New York, N.Y., and Smith & Kelly Co., Savannah, Ga., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction after giving consideration to extent and value of services to be performed. Ocean freight brokerage between the parties will be divided as follows: One-third of the ocean freight compensation will be retained by Smith & Kelly Co. and two-thirds of the ocean

freight compensation will be retained by F.N.S. Corp.

Agreement No. FF-3303 between F.N.S. Corp., New York, N.Y., and Southern Shipping Co., Savannah, Ga., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction after giving consideration to extent and value of services to be performed. Ocean freight brokerage between the parties will be divided as follows: One-third of the ocean freight compensation will be retained by Southern Shipping Co., and two-thirds of the ocean freight compensation will be retained by the F.N.S. Corp.

Agreement No. FF-3304 between (a) T. R. Spedden, New Orleans, La., and (b) Walsh Stevedoring Co., Inc., Pensacola, Fla. (Branches), is a cooperative working arrangement whereunder all forwarding work accomplished by party (a) for party (b) will be on the basis of earning 100 percent of the fee. In turn, party (b) agrees to accomplish like services for party (a) earning 100 percent of the fee. Ocean freight brokerage will be divided equally (50 percent-50 percent) between the parties. This division of ocean freight brokerage will be restricted to those shipments on which one party performs forwarding work for the other.

Dated: April 13, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4284; Filed, Apr. 18, 1967;
8:48 a.m.]

AMERICAN EXPORT ISBRANDTSEN LINES, INC., ET AL.

Security for Protection of Public; Indemnification of Passengers for Nonperformance of Transportation

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation.

American Export Isbrandtsen Lines, Inc.
Matson Navigation Co./The Oceanic Steamship Co. (Matson Lines).
The Chesapeake and Ohio Railway Co.
Aegean Cruises, S.A. and Unitours, Inc. (Aegean: Epirotiki Lines).
The Peninsular and Oriental Steam Navigation Co.
Mitsui-O.S.K. Lines Ltd.
The Peninsular & Occidental Steamship Co. (P&O Steamship Co.).

Dated: April 14, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4285; Filed, Apr. 18, 1967;
8:48 a.m.]

CHICAGO, DULUTH AND GEORGIAN BAY TRANSIT CO.

Security for Protection of Public; Indemnification of Passengers for Nonperformance of Transportation

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) that a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation has been issued to the following:

Chicago, Duluth and Georgian Bay Transit Co. (Georgian Bay Line).

Certificate Number: P-1.
Effective Date: May 5, 1967.

Dated: April 14, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4286; Filed, Apr. 18, 1967;
8:48 a.m.]

UNITED STATES LINES, INC., AND AMERICAN MAIL LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW, Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. K. F. Gautier, Vice President, United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

Agreement 9371-1 modifies the Passenger Agency arrangement under Agreement 9371, to appoint American Mail Line as General Passenger Agent for United States Lines in the State of Alaska, the Canadian Provinces of British Columbia, Alberta and Saskatchewan, and in the Yukon Territory, in addition to the four states enumerated in

the basic agreement (Washington, Oregon, Idaho, and Montana) under the same terms and conditions.

Dated: April 14, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4287; Filed, Apr. 18, 1967;
8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

IMPORTS OF ASPHALT AND ASPHALT PRODUCED FROM IMPORTED OILS

Notice of Investigation

Notice is hereby given that Farris Bryant, Director of the Office of Emergency Planning, today announced the public phase of an investigation of the national security implications of controls on imports of asphalt and asphalt produced from imported crude and unfinished oils. This investigation follows a review which led to the conclusion that the national security would not be impaired by a liberalization of the controls on the importation of asphalt for use without further refining.

Subsequent to the Director's advice, the President amended Proclamation 3279 to give the Secretary of the Interior discretionary authority to place asphalt product imports into the United States and Puerto Rico under the general form of control as now applies to the importation of residual fuel oil into District I (the East Coast States). The proposed change will not allow licensed product imports other than asphalt to increase.

The public investigation is under section 232 of the Trade Expansion Act of 1962 and section 6(a) of the Presidential proclamation of March 10, 1959, which assigns to the Director the responsibility for national security surveillance of imports of petroleum and its primary derivatives.

The Secretary of the Interior has asked that the investigation determine the national security implication of relaxing import restrictions on crude and unfinished oils to the extent used to produce asphalt. Currently, all imports for refinery processing are treated alike, and the overall level of crude and unfinished oil imports would increase beyond the amounts now authorized by the proclamation if import allocations were not required for asphalt production.

Asphalt imports will be included in the investigation, as will asphalt produced from imported crude and unfinished oils. The investigation will cover the United States and Puerto Rico with the United States divided into the geographic components of the oil import control program. Subareas and States will be considered where significant.

Initial statements should be filed within 45 days of this announcement. Rebuttal material will be accepted through the following 30 days. All submissions should be on letter-size paper and 25 copies of all material, new and old, should be sent to the Director, Office of Emergency Planning, Washington, D.C. 20504.

Except where confidential treatment is requested, all submissions will be available for inspection at the Office of Emergency Planning Information Office, Room 515, 17th and F Streets NW., Washington, D.C.

Dated: April 17, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[P.R. Doc. 67-4351; Filed, Apr. 18, 1967;
8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 14, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40980—*Substituted service—Rocky Mountain*. Filed by Rocky Mountain Motor Tariff Bureau, Inc., agent (No. 20), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between interchange points west of the Rocky Mountains, on the one hand, and interchange points east of the Rocky Mountains, on the other.

Grounds for relief—Motor-truck competition.

Tariff—5th revised page 9 to Rocky Mountain Motor Tariff Bureau, Inc., agent, tariff MF-ICC 162.

FSA No. 40981—*Pig iron—Birmingham, Ala., to Chicago, Ill.* Filed by O. W. South, Jr., agent (No. A5013), for interested rail carriers. Rates on pig iron, in carloads, subject to minimum weight of 1,344,000 pounds or more loaded in not more than 10 cars, from Birmingham, Ala., and points grouped therewith, to Chicago, Ill., and group points.

Grounds for relief—Rail-barge competition.

Tariff—Supplement 70 to Southern Freight Association, agent, tariff ICC S-319.

FSA No. 40982—*Liquid caustic soda to Georgetown, S.C.* Filed by O. W. South, Jr., agent (No. A5015), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, in multiple carload shipments of not less than five tank carloads, from Saltville, Va., to Georgetown, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 81 to Southern Freight Association, agent, tariff ICC S-517.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-4265; Filed, Apr. 18, 1967;
8:47 a.m.]

[Notice 442]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 14, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successfully filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 44592 (Sub-No. 1) (Deviation No. 13), MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, Post Office Box 1296, New Britain, Conn. 06050, filed April 5, 1967. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Albany, N.Y., over U.S. Highway 20 to junction U.S. Highway 7, at Pittsfield, Mass., thence over U.S. Highway 7 to Great Barrington, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Albany, N.Y., over U.S. Highway 9 to junction New York Highway 203, thence over New York Highway 203 to junction New York Highway 22, thence over New York Highway 22 to junction New York Highway 71, thence over New York Highway 71 to the New York-Massachusetts State line, thence over Massachusetts Highway 71 to junction Massachusetts Highway 41, thence over Massachusetts Highway 41 to Great Barrington, Mass., and (2) from Albany, N.Y., over U.S. Highway 20 to Pittsfield, Mass., and return over the same routes.

No. MC 69833 (Deviation No. 18), ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich.

49502, filed April 5, 1967. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From junction Indiana Highways 15 and 120 over Indiana Highway 120 to junction Indiana Highway 13, thence over Indiana Highway 13 to the Michigan-Indiana State line, thence over U.S. Highway 131 to junction U.S. Highway 12, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 20 to junction Indiana Highway 15, thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over Michigan Highway 103 (formerly U.S. Highway 131) to junction U.S. Highway 12 (formerly U.S. Highway 131), thence over U.S. Highway 12 to junction U.S. Highway 131, thence over U.S. Highway 131 to Kalamazoo, Mich., and return over the same route.

No. MC 105458 (Deviation No. 1), DILLIE MOTOR FREIGHT, INC., 178 West Wylie Avenue, Washington, Pa. 15301, filed March 31, 1967. Carrier's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) From Washington, Pa., over Interstate Highway 70 to junction Pennsylvania Highway 88 at or near Speers, Pa., and (2) from Washington, Pa., over Interstate Highway 70 to junction Pennsylvania Highway 906, thence over Pennsylvania Highway 906 to Belle Vernon, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Washington, Pa., over Pennsylvania Highway 136 (formerly Pennsylvania Highway 31) to junction Pennsylvania Highway 906, thence over Pennsylvania Highway 906 to Belle Vernon, Pa. (also from junction Pennsylvania Highway 136 and Pennsylvania Highway 88 over Pennsylvania Highway 88 to Speers, Pa.), and return over the same routes.

No. MC 105458 (Deviation No. 2), DILLIE MOTOR FREIGHT, INC., 178 West Wylie Avenue, Washington, Pa. 15301, filed March 31, 1967. Carrier's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) From Pittsburgh, Pa., over Interstate Highway 79 to junction Pennsylvania Highway 50, thence over Pennsylvania Highway 50 to junction Interstate Highway 79, thence over Interstate Highway 79 to Washington, Pa., (2) from Pittsburgh, Pa., over Interstate Highway 79 to junction Pennsylvania Highway 50, thence over Pennsylvania Highway 50 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction unnumbered

highway, thence over unnumbered highway to junction Pennsylvania Highway 519, thence over Pennsylvania Highway 519 to Canonsburg, Pa., and (3) from Canonsburg, Pa., over Pennsylvania Highway 519 to junction unnumbered highway, thence over unnumbered highway to junction Interstate Highway 79, thence over Interstate Highway 79 to Washington, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pittsburgh, Pa., over Pennsylvania Highway 88 to junction unnumbered highway, thence over unnumbered highway via McMurray, Pa., to junction Pennsylvania Highway 519, thence over Pennsylvania Highway 519 to junction U.S. Highway 19, thence over U.S. Highway 19 to Washington, Pa., and return over the same route.

No. MC 105458 (Deviation No. 3), DILLIE MOTOR FREIGHT, INC., 178 West Wylie Avenue, Washington, Pa. 15301, filed March 31, 1967. Carrier's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Uniontown, Pa., over U.S. Highway 40 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 40, at or near the Pennsylvania-West Virginia State line, thence over U.S. Highway 40 to Wheeling, W. Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: between Uniontown, Pa., and Wheeling, W. Va., over U.S. Highway 40.

No. MC 106943 (Deviation No. 6), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47801, filed April 6, 1967. Carrier's representative: Peter M. Witham, same address as above. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Bedford, Pa., over Interstate Highway 70 to junction Interstate Highway 70-S (Pittsburgh bypass), east of Pittsburgh, Pa., thence over Interstate Highway 70-S to junction Interstate Highway 70 west of Pittsburgh, Pa., thence over Interstate Highway 70 to junction Interstate Highway 270 (St. Louis bypass), thence over Interstate Highway 270 to junction Interstate Highway 70, west of St. Louis, Mo., thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from the Bedford, Pa., interchange over the Pennsylvania Turnpike to Irwin, Pa., thence over U.S. Highway 30 via Pittsburgh, Pa.,

to Mansfield, Ohio, thence over U.S. Highway 30-N to junction U.S. Highway 30 east of Delphos, Ohio, thence over U.S. Highway 30 to junction Illinois Highway 1-A (formerly Illinois Highway 1), thence over Illinois Highway 1-A to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 54, thence over U.S. Highway 54 to Kingdom City, Mo., thence over U.S. Highway 40 to Kansas City, Mo., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 368), GREYHOUND LINES, INC. (Western Division), Market & Fremont Streets, San Francisco, Calif. 94106, filed April 5, 1967. Applicant's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, over a deviation route as follows: From Ogden, Utah, over Interstate Highway 15 to junction U.S. Highway 91 (South Layton, Utah), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From the Wyoming-Utah State line over Interstate Highway 80 to junction U.S. Highway 30S (Castle Rock Junction), thence over U.S. Highway 30S to junction Interstate Highway 80 (Emory Interchange), thence over Interstate Highway 80 to junction U.S. Highway 30S (Echo Junction), thence over U.S. Highway 30S to junction Interstate Highway 80N (Devil's Slide Interchange), thence over Interstate Highway 80N to junction U.S. Highway 30S (Uintah Junction), thence over U.S. Highway 30S to Ogden, Utah, thence over Utah Highway 79 to junction Utah Highway 38, thence over Utah Highway 38 to junction Utah Highway 84, thence over Utah Highway 84 to junction U.S. Highway 91 (Roy), thence over U.S. Highway 91 to junction Interstate Highway 15 (North Bountiful), thence over Interstate Highway 15 to Salt Lake City. (Connects with Wyoming Route 1), and return over the same route.

No. MC 1515 (Deviation No. 369), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 6, 1967. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over deviation routes as follows: (1) From Burlington, Vt., over U.S. Highway 7 to junction Interstate Highway 89, north of Burlington, Vt., thence over Interstate Highway 89 to the United States-Canada boundary line, near Highgate Springs, Vt., (2) from St. Albans, Vt., over Vermont Highway 36 to junction Interstate Highway

89, (3) from junction U.S. Highway 7 and access road at a point approximately 1 mile north of St. Albans, Vt., over unnumbered access road to junction Interstate Highway 89, and (4) from Swanton, Vt., over Vermont Highway 78 to junction Interstate Highway 89, and also access and egress to and from Interstate Highway 89 where it junctions with applicant's regular routes as follows: (a) Junction U.S. Highway 7 and Interstate Highway 89, just north of Burlington, Vt., (b) junction U.S. Highway 2 and Interstate Highway 89 (Chimney Corners, Vt.), approximately 8 miles north of Burlington, Vt., (c) junction U.S. Highway 7 and Interstate Highway 89, approximately 2 miles south of Georgia, Vt., and (d) junction U.S. Highway 7 and Interstate Highway 89 at the United States-Canada boundary line, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Burlington, Vt., over U.S. Highway 7 to St. Albans, Vt., (2) from Rutland, Vt., over U.S. Highway 7 via Burlington, Vt., to the United States-Canada boundary line, and (3) from Burlington, Vt., over U.S. Highway 2 to Rouses Point, N.Y., thence over U.S. Highway 11 to Champlain, N.Y., and return over the same routes.

No. MC 1515 (Deviation No. 370) (Cancels Deviation No. 172), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 6, 1967. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 65 to junction U.S. Highway 52, 0.8 mile west of Lebanon, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 52 to Brookville, Ind., thence over Indiana Highway 1 to Connersville, Ind., thence over Indiana Highway 44 to Rushville, Ind., thence over U.S. Highway 52 via Lebanon, Ind., to Lafayette, Ind. (also from Lebanon over Indiana Highway 39 via Frankfort, Ind., to junction Indiana Highway 38, thence over Indiana Highway 38 to junction U.S. Highway 52 at a point approximately 5 miles southeast of Lafayette; also from junction U.S. Highway 52 at a point approximately two miles east of Thorntown, Ind., over Indiana Highway 47 to Thorntown, thence over unnumbered highway to junction U.S. Highway 52 at a point approximately 2 miles north of Thorntown), thence over U.S. Highway 52 via Templeton, Ind., to Atkinson, Ind. (also from Templeton over Indiana Highway 352 to Oxford, Ind., thence over unnumbered highway to Atkinson), thence over U.S. Highway 52 to Kentland, Ind., thence over U.S. Highway 41

via Cook and Hammond, Ind., to Chicago, Ill., and return over the same route.

No. MC 2866 (Deviation No. 7), EDWARDS MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa. 17701, filed April 7, 1967. Carrier's representative: Robert H. Griswold, 100 Pine Street, Post Office Box 432, Harrisburg, Pa. 17108. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From junction Inter-Highway 80 and Pennsylvania Highway 93, north of Sybertsville, Pa., over Interstate Highway 80 to junction U.S. Highway 46 east of Columbia, N.J., thence over U.S. Highway 46 to junction New Jersey Highway 69, thence over New Jersey Highway 69 to junction U.S. Highway 22 east of Clinton, N.J., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows:

(1) From New York, N.Y., over U.S. Highway 1 to Newark, N.J., thence over U.S. Highway 22 to Easton, Pa., thence over Pennsylvania Highway 248 (formerly Pennsylvania Highway 45) to junction U.S. Highway 209 (formerly Pennsylvania Highway 29), thence over U.S. Highway 209 via Mauch Chunk (Jim Thorpe) to Tamaqua, Pa., thence over U.S. Highway 309 (formerly Pennsylvania Highway 29) to Hometown, Pa., thence over Pennsylvania Highway 45 via Shenandoah, Pa., to Ashland, Pa., thence over U.S. Highway 122 to Sunbury, Pa., thence over Pennsylvania Highway 14 via Northumberland, Pa., to junction Pennsylvania Highway 405 north of Milton, Pa., thence over Pennsylvania Highway 405 via Montgomery, Pa., to Muncy, Pa., thence over U.S. Highway 220 via Williamsport, Mill Hall, and Milesburg, Pa., to Port Matilda, Pa., thence over U.S. Highway 322 to junction U.S. Highway 219, thence over U.S. Highway 219 to Du Bois, Pa., thence over Pennsylvania Highway 950 to junction U.S. Highway 322, thence over U.S. Highway 322 to junction Pennsylvania Highway 257, thence over Pennsylvania Highway 257 to Oil City, Pa., thence over U.S. Highway 62 to Youngstown, Ohio, also from junction U.S. Highway 209 and Pennsylvania Highway 93 (formerly Pennsylvania Highway 29 and U.S. Highway 309), west of Mauch Chunk (Jim Thorpe), Pa., over Pennsylvania Highway 93 to Hazleton, Pa., thence over Pennsylvania Highway 924 to Shenandoah, Pa.; also from Tamaqua, Pa., over U.S. Highway 209 to Pottsville, Pa., thence over U.S. Highway 122 to Ashland, Pa.; also from Montgomery over unnumbered highway to junction U.S. Highway 15, thence over U.S. Highway 15 to Williamsport, Pa., thence over U.S. Highway 220 via Lock Haven to Hill Hall, thence over Pennsylvania Highway 64 via Hubersburg to Zion, Pa., thence over Pennsylvania Highway 550 to Bellefonte, Pa., thence over Pennsylvania Highway 53 to Milesburg, Pa., and (2) from Milton, Pa., over Pennsylvania

Highway 642 to junction Pennsylvania Highway 54, thence over Pennsylvania Highway 54 to Danville, Pa., thence over U.S. Highway 11 to junction Pennsylvania Highway 93 east of Berwick, Pa., thence over Pennsylvania Highway 93 (formerly Pennsylvania Highway 29) to Hazleton, Pa., and return over the same routes.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-4266, Filed, Apr. 18, 1967;
8:47 a.m.]

[Notice 1051]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 14, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications thereafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 49387 (Sub-No. 27) (Republication), filed October 28, 1965, published FEDERAL REGISTER issue of November 10, 1965, and republished this issue. Applicant: ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Moberly, Mo. Applicant's representative: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis, Mo. A report of the Commission, division 3, decided March 28, 1967, and served April 5, 1967, finds, in No. MC 49387 (Sub-No. 27) as a matter directly related to the transaction authorized in No. MC-F-9245, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle over regular routes, of general commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, requiring special equipment, or injurious or contaminating to other lading), between Kansas City, Kans., and Jefferson City, Mo., over U.S. Highway 50, serving Kansas City, Mo., intermediate points between Pittsville and Sedalia, Mo., and the off-route point of Whiteman Air Force Base; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That the

authority herein granted shall not become effective until 35 days following its republication in the FEDERAL REGISTER, that it also shall not become effective until and unless the authority granted in No. MC-F-9245 has been consummated.

No. MC 52110 (Sub-No. 93) (republication), filed February 23, 1966, published FEDERAL REGISTER issue of March 10, 1966, and republished this issue. Applicant: BRADY MOTOR-FRATTE, INC., 6th and University, Des Moines, Iowa 50314. Applicant's representative: David Axelrod, 39 S. La Salle Street, Chicago, Ill. 60603. By application filed February 23, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, in the manner, and of the commodities, and from and to the points substantially as indicated below, except that (1) applicant did not request authority in part (2) (A) (3) of the application, to transport general commodities (with exceptions) between East Alton, Ill., and the terminal site of Spector Freight System, Inc., and (2) applicant also sought authority (a), in part (2) (A) (3) of the application, to transport general commodities (with exceptions) between the terminal site of Spector Freight System, Inc., on the one hand, and, on the other, points in Iowa, Moline, East Moline, and Rock Island, Ill., Omaha, Lincoln, and South Sioux City, Nebr., Canton, Yankton, Mitchell, and Sioux Falls, S. Dak., and Albert Lea, Rochester, and Chemolite Siding, Minn., and (b) in part (2) (C) of the application, to transport frozen foods from Darien, Wis., to the terminal site of Spector Freight System, Inc.

An Order of the Commission, Operating Rights Board No. 1, dated March 31, 1967, and served April 7, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, (1) over regular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the terminal site of Spector Freight System, Inc., on Minnesota Highway 49 in Eagan Township, Dakota County, Minn., approximately one-half mile south of junction Minnesota Highways 49 and 55, as an off-route point in connection with applicant's presently authorized regular route operations, and (2) over irregular routes, of (A) general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Bloomington, DeKalb, O'Fallon, Peoria, and Waukegan, Ill.; points in Iowa; Kansas City, Wichita, and Topeka, Kans.; Albert Lea, Chemolite Siding, Minneapolis, and Rochester, Minn.; St. Joseph, Mo.; points in the St. Louis, Mo.-East St. Louis, Ill. commercial zone; South Sioux City and Lincoln, Nebr.; and Canton, Mitchell, Sioux Falls, and Yankton, S. Dak., on the

one hand, and, on the other, the terminal site of Spector Freight System, Inc., on Minnesota Highway 49 in Eagan Township, Dakota County, Minn., approximately one-half mile south of the junction of Minnesota Highways 49 and 55.

(2) Between Crawfordville, Evansville, Fort Wayne, Indianapolis, Lafayette, and Richmond, Ind.; and Cincinnati, Columbus, Dayton, Mansfield, and Massillon, Ohio, on the one hand, and, on the other, the terminal site of Spector Freight System, Inc., on Minnesota Highway 49 in Eagan Township, Dakota County, Minn., approximately one-half mile south of junction Minnesota Highways 49 and 55; (3) between East Alton, Ill., on the one hand, and, on the other, the terminal site of Spector Freight System, Inc., on Minnesota Highway 49 in Eagan Township, Dakota County, Minn., approximately one-half mile south of junction Minnesota Highways 49 and 55, and (4) between Portage, Ind., on the one hand, and, on the other, the terminal site of Spector Freight System, Inc., on Minnesota Highway 49 in Eagan Township, Dakota County, Minn., approximately one-half mile south of junction Minnesota Highways 49 and 55, and (5) from the plantsite of Container Corporation of America at Carol Stream, Ill., to the terminal site of Spector Freight System, Inc., on Minnesota Highway 49 in Eagan Township, Dakota County, Minn., approximately one-half mile south of junction Minnesota Highways 49 and 55;

(B) *Meats, meat products, and meat byproducts* (except commodities in bulk), and *articles distributed by meat packinghouses* (except commodities in bulk), as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from West Point, Nebr., to the terminal site of Spector Freight System, Inc., on Minnesota Highway 49 in Eagan Township, Dakota County, Minn., approximately one-half mile south of junction Minnesota Highways 49 and 55; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112750 (Sub-No. 76) (Republication), filed November 1, 1961, published *FEDERAL REGISTER* issues of November 15, 1961, and December 6, 1961, and republished, this issue. Applicant:

ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, Long Island, N.Y. (Reentitled), AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. By application filed November 1, 1961, applicant seeks authority as a contract carrier by motor vehicle over irregular routes, of used punchcards and business papers and records, used or useful in the preparation of such punchcards and other business papers and records involving information obtained from the punchcards or pertaining to the use thereof (excluding plant removals and supplies), under continuing contracts with the Service Bureau Corp., and customers of the Service Bureau Corp., between Boston, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island. On Order of the Commission, Division 1, acting as an Appellate Division, dated March 6, 1967, and served April 7, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *used punchcards and business papers and records* used in the preparation of such punchcards, and other business papers and records involving information obtained from the punchcards or pertaining to the use thereof (except cash letters), between Boston, Mass., on the one hand, and, on the other, points in Maine (except those in Aroostook County), New Hampshire, and Rhode Island; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

That the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. MC 112750, MC 123486, and MC 123304 and subs thereunder, following the issuance of the certificates authorized to be issued in Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), MC 127431 (Sub-No. 8), will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112750 (Sub-No. 100) (Republication), filed April 26, 1962, published *FEDERAL REGISTER* issue of May 9, 1962, and republished this issue. Applicant:

ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, Long Island, N.Y. (Reentitled), AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. By application filed April 26, 1962, applicant seeks authority as a contract carrier by motor vehicle, over irregular routes, of the commodities from, to, and between the points indicated below. An Order of the Commission, Division 1, acting as an Appellate Division, dated March 6, 1967, and served April 7, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *exposed film and prints*, (a) from points in Northumberland and Schuylkill Counties, Pa., and Berkeley and Jefferson Counties, W. Va., to Washington, D.C., (b) from points in Marathon, Portage, and Wood Counties, Wis., to Chicago, Ill., (c) from points in Berkshire and Franklin Counties, Mass., to Boston, Mass., and (d) from points in Boyd (except Ashland), Campbell, and Kenton Counties, Ky., to Findlay, Ohio, (2) *processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), (a) from Washington, D.C., to points in Northumberland and Schuylkill Counties, Pa., and Berkeley and Jefferson Counties, W. Va., (b) from Chicago, Ill., to points in Marathon, Portage, and Wood Counties, Wis., (c) from Boston, Mass., to points in Berkshire and Franklin Counties, Mass., and (d) from Findlay, Ohio, to points in Boyd (except Ashland), Campbell, and Kenton Counties, Ky.

(3) *Punchcards and business papers and records* used in the preparation of such punchcards, and reports and other business papers and records containing information obtained from punchcards or pertaining to the use thereof (except cash letters), between Cincinnati, Ohio, on the one hand, and, on the other, points in Anderson, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Fayette, Fleming, Franklin, Gallatin, Garrard, Grant, Greenup, Harrison, Jefferson, Jessamine, Kenton, Lincoln, Madison, Mason, Montgomery, Nicholas, Owen, Pendleton, Robertson, Rowan, Scott, and Woodford Counties, Ky., and points in Kanawha and Cabell Counties, W. Va., and (4) *charge sales tickets, cash sales tickets, charge credit sales tickets, refund slips, cash register tapes, application forms, and accompanying documents* (except cash letters) between Cincinnati, Ohio, on the one hand, and, on the other, points in Anderson, Bath, Boone, Bracken, Carroll, Carter, Fayette, Fleming, Gallatin, Garrard, Grant, Greenup, Harrison, Jessamine, Lincoln, Nicholas, Owen, Pendleton, Robertson, Rowan, and Woodford Counties, Ky., points in Clark County, Ind., and points

in Mingo and Wood Counties, W. Va.: that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. MC 112750, MC 123486, and MC 123304 and subs thereunder, following the issuance of the certificates authorized to be issued in Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), MC 127431 (Sub-No. 8), will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112750 (Sub-No. 106) (Republication), filed July 3, 1962, published FEDERAL REGISTER issue of August 8, 1962, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, Long Island, N.Y. (Reentitled), AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. By application filed July 3, 1962, applicant seeks authority as a contract carrier by motor vehicle, over irregular routes, of the commodities between the points indicated below. An Order of the Commission, Division 1, acting as an Appellate Division, dated March 6, 1967, and served April 7, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *ophthalmic goods and commercial papers* (except cash letters), (a) between points in Worcester County, Mass., on the one hand, and, on the other, points in Fairfield, Hartford, New Haven, and New London Counties, Conn.; Androscoggin, Cumberland, Kennebec, and Penobscot Counties, Maine; Grafton County, N.H.; Union County, N.J.; Albany, Erie, Kings, Nassau, N.Y., Oneida, Onondaga, and Westchester Counties, N.Y.; Philadelphia County, Pa.; Providence County, R.I.; Baltimore, Md., and Washington, D.C.; (b) between points in Philadelphia County, Pa., on the one hand, and, on the other, points in New Castle County, Del.; (c) between Washington, D.C., on the one hand, and, on the other, Baltimore, Md.;

(d) Between points in Allegheny County, Pa., on the one hand, and, on the other, points in Harrison and Ohio Counties, W. Va.; and (e) between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Boyd, Fayette, and Jefferson Counties, Ky.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. MC 112750, MC 123486, and MC 123304 and subs thereunder, following the issuance of the certificates authorized to be issued in Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), MC 127431 (Sub-No. 8), will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111729 (Sub-No. 174) (Republication), filed July 17, 1964, published FEDERAL REGISTER issues of August 5, 1964 and November 10, 1966, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. (Reentitled), AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. By application filed July 17, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of payroll checks, advertising signs, business papers, records, and audit and accounting media of all kinds (except plant removals), (a) between Boston, Mass., on the one hand, and, on the other, New York, N.Y., (b) between Boston, Mass., and New York, N.Y., on the one hand, and, on the other, Branford, East Hartford, and New Britain, Conn., and Manchester and Nashua, N.H., and (c) between Brockton, Mass., on the one hand, and, on the other, East Hartford, Conn., East Providence and Johnston, R.I., and Bangor, Waterville, Lewiston, and Scarborough, Maine. An Order of the Commission, Operating Rights Board No. 1, dated March 31, 1967, and served April 12, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign

commerce, as a common carrier by motor vehicle, over irregular routes, of *payroll checks, advertising signs, business papers, business records, and audit and accounting media* (except cash letters), (a) between Boston, Mass., on the one hand, and, on the other, New York, N.Y.

(b) Between Boston, Mass., and New York, N.Y., on the one hand, and, on the other, Branford, East Hartford, and New Britain, Conn., and Manchester and Nashua, N.H., and (c) between Brockton, Mass., on the one hand, and, on the other, East Hartford, Conn., East Providence and Johnston, R.I., and Bangor, Waterville, Lewiston, and Scarborough, Maine; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that subsequent to or concurrently with issuance of certificates to applicant in Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), and MC 127431 (Sub-No. 8), an appropriate certificate should be issued. That the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. MC 112750 and subs thereunder, MC 123304 and subs thereunder and MC 123486 and subs thereunder, will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which time any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 114364 (Sub-No. 130) (Republication), filed November 29, 1966, published FEDERAL REGISTER issue of December 15, 1966, and republished this issue. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo. 80202. By application filed November 29, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of grape juice, in bulk, in sealed tanks, from Grandview, Wash., to Oklahoma City, Okla. An order of the Commission, Operating Rights Board No. 1, dated March 31, 1967, and served April 7, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *grape juice*, in bulk, from Grandview, Wash.,

to Oklahoma City, Okla.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127829 (Republication), filed December 27, 1965, published *FEDERAL REGISTER* issue of January 20, 1966, and republished this issue. Applicant: ASHLAND EXPRESS, INC., 320 West O Street, Lincoln, Nebr. By order entered January 31, 1967, applicant was granted authority to operate as a common carrier by motor vehicle, over irregular routes, of waste and scrap materials between the facilities of Andresen Scrap and Junk Yard, in Saunders County, Nebr., on the one hand, and, on the other, points in Illinois (except points in the commercial zones of Chicago, Sterling, Rock Falls, and Davenport-Rock Island and Moline), Indiana (except points in the Chicago, Ill., commercial zone), Kansas, Missouri, and South Dakota. That by petition filed March 9, 1967, applicant seeks reconsideration and reopening of the proceeding. A supplemental order of the Commission, Operating Rights Board No. 1, dated March 31, 1967, and served April 7, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of waste and scrap materials, and new metal articles, between the facilities of Andresen Scrap and Junk Yard, in Saunders County, Nebr., on the one hand, and, on the other, points in Illinois (except points in the commercial zones of Chicago, Sterling, Rock Falls, and Davenport-Rock Island and Moline), Indiana (except points in the Chicago, Ill., commercial zone), Kansas, Missouri, Nebraska, and South Dakota; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such

publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128329 (Sub-No. 1) (Republication), filed October 12, 1966, published *FEDERAL REGISTER* issue of November 3, 1966, and republished this issue. Applicant: SINGERMAN BUS CORP., 3 Railroad Place, Maspeth, N.Y. 11378. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York, N.Y. 10017. By application filed October 12, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of passengers, for the account of Fedders Corp. employees, between the plantsite of Fedders Corp., Maspeth, N.Y. and the plantsite of Fedders Corp., Edison, N.J. An order of the Commission Operating Rights Board No. 1, dated March 20, 1967, and served April 11, 1967, as amended, finds that the service applicant proposes is in the nature of common carriage rather than contract carriage, therefore, the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of passengers, in special operations, between points in Kings and Queens Counties, N.Y., on the one hand, and, on the other, Edison, N.J., restricted to the transportation of passengers who are picked up or discharged at the plantsite of the Fedders Corp., at Edison, N.J.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128477 (Republication), filed July 21, 1966, published *FEDERAL REGISTER* issue of August 25, 1966, and republished this issue. Applicant: FREDERICK TRANSPORT LIMITED, Merlin, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. By application filed July 21, 1966, applicant seeks a permit authorizing operations, in foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) agricultural machinery, agricultural implements and parts thereof, from Fort Dodge, Iowa, and Manhattan, Kans., to the ports of entry

on the international boundary line between the United States and Canada located at Detroit and Port Huron, Mich., restricted to traffic originating at Fort Dodge and Manhattan, and return of rejected, refused, and defective agricultural machinery, agricultural implements and parts thereof, from the ports of entry named above, to Fort Dodge, Iowa, Manhattan, Kans., and Coldwater, Ohio, under a continuing contract with the New Idea Farm Equipment Co., Coldwater, Ohio, and (2) farm machinery, from Hicksville, Ohio, to ports of entry on the international boundary line between the United States and Canada located at Detroit and Port Huron, Mich., and return of rejected, refused, and defective farm machinery, from ports of entry named above, to Hicksville, Ohio, under a continuing contract with the National Ideal Co., Hicksville, Ohio.

An order of the Commission, Operating Rights Board No. 1, dated March 31, 1967, and served April 12, 1967, as amended, finds that applicant has failed to establish that the service proposed, and required by shippers, is that of a contract carrier; and that instead, the evidence clearly indicates that the service proposed and required is common carriage; therefore the present and future public convenience and necessity require operation by applicant in foreign commerce only, as a common carrier by motor vehicle, over irregular routes, of (1) agricultural machinery, agricultural implements, and parts thereof, from Fort Dodge, Iowa, and Manhattan, Kans., to those ports of entry on the international boundary line between the United States and Canada located at Detroit and Port Huron, Mich., restricted to the transportation of traffic originating at Fort Dodge and Manhattan, and (2) farm machinery, from Hicksville, Ohio, to those ports of entry on the international boundary line between the United States and Canada located at Detroit and Port Huron; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Inter-

state Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC-F-9724. Authority sought for control by PAUL W. WILLS, INC., 2535 Center Street, Whiskey Island, Cleveland, Ohio, of BULK CARRIERS, INC., 725 Ford Building, Detroit, Mich., and for acquisition by PAUL W. WILLS, also of Cleveland, Ohio, of control of BULK CARRIERS, INC., through the acquisition by PAUL W. WILLS, INC. Applicants' attorney: Paul F. Beery, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be controlled: *Ferro alloys*, in bulk, in dump vehicles, as a common carrier, over irregular routes, from Ashtabula, Ohio, and from the site of the plant of the Electric-Metallurgical Co. (division of the Union Carbide & Carbon Corp.) near Marietta, Ohio, to points in Indiana, Illinois, Kentucky, Maryland, Michigan, Missouri, New York, Pennsylvania, and West Virginia. PAUL W. WILLS, INC. is authorized to operate as a common carrier in Ohio, Michigan, Indiana, Pennsylvania, New York, Kentucky, Maryland, Virginia, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9725. Authority sought for purchase by COOGAN-LAKESHORE MOVING & STORAGE, INC., 417 Temple Street, Dunkirk, N.Y., of a portion of the operating rights of LAKE SHORE DELIVERY, INC., 219 Brigham Road, Dunkirk, N.Y., and for acquisition by JOHN W. COOGAN, SR., and JOHN W. COOGAN, JR., both of 219 Brigham Road, Dunkirk, N.Y., of control of such rights through the purchase. Applicants' attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Operating rights sought to be transferred: *Household goods*, as a common carrier, over regular routes, between Union City, Pa., and Jamestown, N.Y., serving all intermediate points, and certain off-route points in New York, and Chancellors Valley, Pa., between Union City, Pa., and Stow, N.Y., between Elgin, Pa., and Findlay Lake, N.Y., between Corry, Pa., and Pittsfield, Pa., serving all intermediate points, between Lottsville, Pa., and Chautauqua, N.Y., serving all intermediate points, and the off-route points of Niobe, N.Y., and Bear Lake, Pa., between North Clymer, N.Y., and Sherman, N.Y., serving all intermediate points; *household goods*, over irregular routes, between certain specified points in New York, on the one hand, and, on the other, points in Ohio and Pennsylvania; and between points in that part of Chautauqua County, N.Y., north of New York Highway 17, on the one hand, and, on the other, points in Ohio, Pennsylvania, and New Jersey. Application has not been filed for temporary authority under section 210a(b). Note: See also MC-F-9720 (HALL'S MOTOR TRANSIT CO.—Control and Merger—LAKE SHORE DELIVERY, INC.), published in the April 12, 1967, issue of the FEDERAL REGISTER, on page 5870.

No. MC-F-9726. Authority sought for purchase by KING VAN LINES, INC., 6800 East Kellogg, Wichita, Kans. 67201, of the operating rights of THE ANDREWS MOVING AND STORAGE CO., 6802 Lexington Avenue, Cleveland, Ohio 44103, and for acquisition by ESTATE OF W. C. KING, c/o Dale Kidwell, 206 Central Building, Wichita, Kans., and B. J. KELSO, 10 Willowdell, Mulvane, Kans., of control of such rights through the purchase. Applicants' attorneys and Representative: George, Greek, King and McMahon, 100 East Broad Street, Columbus, Ohio 43215, Bowes and Millner, 1060 Broad Street, Newark, N.J. 07102, Dale Kidwell, 206 Central Building, Wichita, Kans. Operating rights sought to be transferred: *Household goods*, as a common carrier over irregular routes between points in Alabama, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Tennessee, Wisconsin, and the District of Columbia. Vendee is authorized to operate as a common carrier in Pennsylvania, New Jersey, Maryland, Delaware, Michigan, Kentucky, Connecticut, Rhode Island, Ohio, Vermont, New Hampshire, Massachusetts, Virginia, West Virginia, Illinois, Indiana, Missouri, Nebraska, North Dakota, Oklahoma, Minnesota, Wisconsin, Kansas, Iowa, Colorado, Arizona, New Mexico, Texas, Arkansas, California, Washington, Oregon, Idaho, Montana, Utah, Wyoming, Louisiana, Alabama, Tennessee, Florida, Georgia, North Carolina, South Carolina, and the District of Columbia; and as a broker in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9727. Authority sought for purchase by LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205, of the operating rights of ABBOT CONSTRUCTION COMPANY, 3809 Virginia Street SE., Charleston, W. Va. 25304, and for acquisition by CHARLES E. CRANMER, also of Louisville, Ky., of control of such rights through the purchase. Applicants' attorneys: Leonard A. Jaskiewicz and J. William Cain, Jr., both of 600 Madison Building, 1155 Fifteenth Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *Bituminous materials* used in the construction, improvement, and maintenance of highways, as a common carrier, over irregular routes, between points in West Virginia, Virginia, Maryland, and Kentucky. Vendee is authorized to operate as a common carrier in all points in the United States (except Hawaii and Alaska). Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4267; Filed, Apr. 18, 1967;
8:47 a.m.]

[Notice 1053]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 14, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

Special rules of procedure for hearing.

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

It is further ordered, That (a) applicant shall make available at the hearing competent witnesses for examination on all matters or relevant facts recited in the application, (b) testimony adduced by applicant's company witnesses shall be subject to the following Special Rules of Procedure for Hearing: (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated. (2) All of the written

statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary. (3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statements as numbered appendices thereto. (4) The admissibility of the evidence contained in the written statements and the appendices thereto will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner. (5) Implementing oral evidence to correct errors or to supply inadvertent omissions in the written statements is permissible.

And it is further ordered, That the following Special Rules of Procedure shall apply for the receipt of the testimony of applicant's public witnesses:

1. Each applicant shall present for at least 80 percent of its public witnesses to be heard daily, written statements of such witnesses which shall contain, as a minimum, (1) name and address; (2) company; (3) qualification; (4) description of traffic and special transportation requirements, if any; (5) volume of traffic and points or areas to which it moves or from which it is received; (6) potential traffic requirements, if any; and (7) transportation service now utilized.

2. Such written statements shall be circulated to the opposing parties at the adjournment of the hearing on the date preceding the day upon which the witnesses are scheduled to testify, or as otherwise directed by the presiding officers.

3. Supplemental testimony by the witnesses for whom the written statements are presented is, of course, permissible.

4. The written statements shall be offered in evidence as exhibits at the hearing in the same manner as any other type of evidence, and the witnesses submitting the statements shall be made available for cross-examination.

5. The admissibility of the evidence contained in the written statements and any appendices thereto will be subject to the same rules as if the evidence were produced in the usual manner.

No. MC 13250 (Sub-No. 89), filed April 3, 1967. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. 77022. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *iron and steel, and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of the above-described commodities, between Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky,

Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. **NOTE:** Applicant intends to tack the proposed authority with presently held authority serving points in Illinois, Indiana, Colorado, New Mexico, Arizona, Utah, Nevada, and California.

HEARING: May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Jair S. Kaplan. This assignment is for applicant's complete presentation only.

No. MC 114457 (Sub-No. 63), filed August 17, 1966. Applicant: DART TRANSPORT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *iron and steel, and iron and steel articles, and equipment, material, and supplies* used in the manufacture or processing of iron and steel articles, between Chicago Heights, Ill., and the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois, Wisconsin, Minnesota, the Upper Peninsula of Michigan, Iowa, North Dakota, South Dakota, Nebraska, Kansas, and Missouri. **NOTE:** Applicant states that no duplication of authority is sought. The purpose of this republication is to broaden the authority sought by adding Chicago Heights, Ill., as an origin point.

HEARING: Remains as assigned May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Jair S. Kaplan.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4268; Filed, Apr. 18, 1967; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 14, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, and subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. C-48, Case No. 6, filed February 8, 1967. Applicant: HUB CARTAGE CO., 1141 Springwells, Detroit, Mich. 48209. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General commodities serving the site of the R. C. Schmidt Industrial Park on 23-Mile Road between U.S. 25 and Fairchild Road, Macomb County, Mich., as an off-route point in connection with otherwise authorized service. Both intrastate and interstate authority sought.

HEARING: May 15, 1967, 9:30 a.m., Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Request for procedural information, including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 3969 Sub-3, filed March 31, 1967. Applicant: HARPETH FREIGHT LINES, INC., Confederate Drive, Franklin, Tenn. Applicant's representative: Charles H. Hudson, Jr., 833 Stahman Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, between points and places within 8 miles of Arrington, Tenn., including Arrington: Authority is sought to tack the authority sought with applicant's present authority. Both intrastate and interstate authority sought.

HEARING: Friday, May 19, 1967, Commission's Courtroom, C-1-110 Cordell Hull Building, Nashville, Tenn., 9:30 a.m. Request for procedural information, including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. C-5524, Case No. 3, filed February 8, 1967. Applicant: GREEN LINE TRUCKING COMPANY, 608 Harrison, Trenton, Mich. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General commodities serving the site of the R. C. Schmidt Industrial Park on 23-Mile Road between U.S. 25 and Fairchild Road, Macomb County, Mich., as an off-route point in connection with otherwise authorized service. Both intrastate and interstate authority sought.

HEARING: May 15, 1967, 9:30 a.m., Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Request for procedural information, including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich. 48913, and

should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-4269; Filed, Apr. 18, 1967;
8:47 a.m.]

[Notice 367]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 14, 1967.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER, publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC-3009 Sub-75 TA, filed April 3, 1967. Applicant: West Brothers, Inc., 706 East Pine Street, Post Office Box 1569, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment).

(1) Between Jackson, Miss., and New Orleans, La., serving all intermediate points in the State of Mississippi: From Jackson to New Orleans over U.S. Highways 51 and 61 and/or Interstate Highway 55, and return over the same route. (2) Between McComb, Miss., and Roxie, Miss., serving all intermediate points: From McComb over Mississippi Highway 24 to Gloster, thence over Mississippi Highway 33 to Roxie, and return over the same route. (3) Between Liberty, Miss., and Woodville, Miss., serving all intermediate points: From Liberty over Mississippi Highway 48 to junction Mississippi Highways 24 and 48, thence over Mississippi Highway 24 to Woodville, and return over the same route. (4) Between Gloster, Miss., and junction Mis-

issippi Highways 33 and 48, serving all intermediate points: From Gloster over Mississippi Highway 33 to junction Mississippi Highways 33 and 48, and return over the same route. (5) Between junction Mississippi Highways 33 and 563, near Crosby, Miss., on the one hand, and Woodville, Miss., on the other, serving all intermediate points: From junction of Mississippi Highways 33 and 563, near Crosby to Wilkerson, Miss., thence over unnumbered highway Wilkerson, Miss., to junction unnumbered highway and U.S. Highway 61, 3 miles north of Woodville, Miss., thence over U.S. Highway 61 to Woodville, and return over the same route. (6) Between Brookhaven, Miss., and Roxie, Miss., serving all intermediate points: From Brookhaven over U.S. Highway 84 to Roxie, and return over the same route. (7) Between Summit, Miss., and junction U.S. Highways 84 and 98 between Bude and Meadville, Miss., serving all intermediate points: From Summit over U.S. Highway 98 to junction U.S. Highways 84 and 98 between Bude and Meadville, and return over the same route. For 180 days. Supporting shippers: There are approximately 70 statements in support thereto attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, 312-A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 59124 (Sub-No. 14 TA), filed April 11, 1967. Applicant: MAIERS MOTOR FREIGHT COMPANY, a corporation, 875 East Huron Avenue, Vassar, Mich. 48768. Applicant's representative: Walter N. Blenman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic resins, from Addyston and Kenton, Ohio to Vassar, Mich., for 180 days. Supporting shipper: Eaton, Yale & Towne, Inc., Eaton Foundry Division, 700 Huron Avenue, Vassar, Mich. 48768. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC-66562 (Sub-No. 2223 TA), filed April 4, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. 64108. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, including classes A and B explosives, moving in express service, (1) between Chicago, Ill., and New Orleans, La., serving the intermediate and off-route points of Peotone, Manteno, Kankakee, Rantoul, Champaign, Tolono, Tuscola, Mattoon, Effingham, Centralia, Ashley, DuQuoin, Carbondale, Dongola, Ulin, and Cairo, Ill.; Wickliffe, Bardwell, Arlington, Clinton, and Fulton, Ky.; Obion, Trimble, Dyersburg, Halls, Ripley, Covington, and Memphis, Tenn.; Hernando, Senatobia, Como,

Sardis, Batesville, Oakland, Grenada, Winona, Durant, Canton, Jackson, Crystal Springs, Hazlehurst, Wesson, Brookhaven, McComb, Fernwood, and Osyka, Miss.; Kentwood, Tangipahoa, Roseland, Amite, Independence, Hammond, Ponchatoula, and New Orleans, La. From Chicago, Ill., over Interstate Highway 94 to junction with Illinois Highway 394 at Lansing, Ill., thence over Illinois Highway 394 to junction with U.S. Highway 30, thence over U.S. Highway 30 to junction with U.S. Highway 54 at Chicago Heights, Ill., thence over U.S. Highway 54 to Kankakee, Ill., thence over U.S. Highway 45 to Effingham, Ill., thence over Interstate Highway 57 to junction with Illinois Highway 37, thence over Illinois Highway 37 to junction with U.S. Highway 50 at Salem, Ill., thence over U.S. Highway 50 to junction with U.S. Highway 51, thence over U.S. Highway 51 to junction with U.S. Highway 61, thence over U.S. Highway 61 to New Orleans, La., and return over the same route.

(2) Between Memphis, Tenn., and New Orleans, La., serving no intermediate points. From Memphis, Tenn., over Interstate Highway 55 to New Orleans, La., where and as when completed, and return over the same route, as an alternate route for operating convenience only; (3) between Clarksdale, Miss., and Marks, Miss., serving no intermediate points. From Clarksdale, over U.S. Highway 61 to junction with Mississippi Highway 6, thence over Mississippi Highway 6 to Marks, Miss., and return over the same route. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested: Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with R E A's existing authority in MC-66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority, for 150 days. Supporting shippers: There are 39 shippers' supporting statements attached to the application that may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 106398 (Sub-No. 346 TA), filed April 11, 1967. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Post Office Box 8096, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buildings, in sections, mounted on wheeled undercarriages with hitch ball connector, from St. Petersburg, Fla., to points in Georgia, Alabama, Louisiana, Mississippi, Tennessee, District of Co-

lumbia, Kentucky, West Virginia, Ohio, Rhode Island, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Oklahoma, Arkansas, and Texas, for 180 days. Supporting shipper: Florida Development Services, Inc., St. Petersburg, Pinellas County, Fla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 North-west Sixth, Oklahoma City, Okla. 73102.

No. MC 108207 (Sub-No. 218 TA), filed April 11, 1967. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Candy, from Memphis, Tenn., to points in Arkansas and Texas for 180 days. Supporting shipper: Standard Candy Co., 443 Second Avenue North, Nashville, Tenn. 37202. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 108449 (Sub-No. 258 TA), filed April 11, 1967. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass cullet, in bulk, in dump vehicles, from Chicago, Ill., to Cologne, Minn., for 180 days. Supporting shipper: The Crystal Gem Co., Cologne, Minn. 55322. Send protests to: A. E. Rathert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 111401 (Sub-No. 220 TA), filed April 11, 1967. Applicant: GROEN-DYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid fertilizer, in bulk, in tank vehicles, from Leavenworth, Kans., to points in Iowa, Kansas, Missouri, and Nebraska, for 180 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 250, American General Building, 210 North-west Sixth, Oklahoma City, Okla.

No. MC 111981 (Sub-No. 16 TA), filed April 11, 1967. Applicant: ROBIDEAU'S EXPRESS, INC., Southeast Corner Front and Oregon Avenue, Philadelphia, Pa. 19148. Applicant's representative: Vincent D'Anella, Jr. (address same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Milk, milk products, and fruit juices, in containers, between Perth Amboy, N.J., and Warminster and Philadelphia, Pa. for 180 days. Supporting shipper: Hernig Milk Co., Inc., 3175 John F. Kennedy

Boulevard, Philadelphia, Pa. 19104. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 113855 (Sub-No. 158 TA), filed April 11, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Van Osdel, Foss, Johnson and Miller, Attorneys at Law, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Attachments, accessories, and parts for tractors (not including truck tractors), scrapers, motor graders, wagons, engines (except aircraft and missile engines), generators, engines and generators combined, welders, road rollers, compactors, and lift trucks, from the warehouse facilities of Allis-Chalmers located in Du Page County, Ill., to points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, North Dakota, and ports of entry on the international boundary between the United States and Canada in Minnesota for 180 days. Supporting shipper: Allis-Chalmers, 3000 South Sixth Street, Springfield, Ill. 62705. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 116720 (Sub-No. 5 TA) filed April 11, 1967. Applicant: DONALD E. MILLER, 15A Third Street West, Lemmon, S. Dak. 57638. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, in containers, and supplies, signs, and materials used in the sale and distribution thereof, from Milwaukee and La Crosse, Wis., to Lemmon and Mobridge, S. Dak., and empty malt beverage containers on return, for 180 days. Supporting shipper: Doyle Gossman, Interstate Beverage Co., Lemmon, S. Dak. 57638. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 119493 (Sub-No. 31 TA), filed April 11, 1967. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, Office: West 20th Street Road, Joplin, Mo. 64801. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer, fertilizer compounds, and fertilizer materials, from Wichita, Kans., to points in Oklahoma, for 150 days. Supporting shipper: W. R. Grace & Co., Agricultural Products Division, Post Office Box 1406, Joplin, Mo. 64801. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 127036 (Sub-No. 3 TA), filed April 11, 1967. Applicant: FREDDIE E. WIBLE and ALMA L. WIBLE, doing business as HIRAM WIBLE & SON, Three Springs, Pa. 17264. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coal from points in Huskin Run, Somerset County, Pa., to points in Amcelle, Allegany County, Md., for 180 days. Supporting shipper: Berwind Coal Sales Co., 600 Two Penn Center Plaza, Philadelphia, Pa. 19102. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

MOTOR CARRIER OF PASSENGERS

No. MC 129005 TA, filed April 11, 1967. Applicant: WILLIAM H. HOGLE, Black Point Road, Ticonderoga, N.Y. 12883. Applicant's representative: Norman Charles, 80 Bay Street, Glens Falls, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage in charter operations beginning and ending in Ticonderoga, N.Y., and extending to port of entry on the international boundary line between the United States and Canada located at or near Champlain, N.Y. (Restriction: Transportation performed hereunder shall be restricted to traffic moving to and from points in Canada in connection with EXPO 67 during its term commencing April 28, 1967, and expiring with October 27, 1967.), for 180 days. Supporting shipper: Black Watch Chapter Order of DeMolay, R. Patterson Strine, Ticonderoga, N.Y.; Ticonderoga Youth Commission, Georgia Cawley, Chairman, Ticonderoga, N.Y.; Cub Scout Pack No. 77, Jon Potter, Ticonderoga, N.Y.; Adirondack Girl Scout Council, Mrs. D. W. Varney, 31 Schuyler Street, Ticonderoga, N.Y.; Catholic Daughters of America 794, Joan Sharrow, Ticonderoga, N.Y.; Employees Mutual Association, Robert Dedrick, President, Ticonderoga, N.Y.; and Ticonderoga Town Board, Charles R. Schwerdtfeger, Supervisor, Ticonderoga, N.Y. Send protests to: Wilmet E. James, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 87-4370; Filed, Apr. 18, 1967;
8:47 a.m.]

[Notice 1506]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 14, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69539. By order of April 11, 1967, the Transfer Board approved the transfer to Gibbs Express, Inc., 369 Main Street, West Haven, Conn. 06516, of the operating rights of William E. Gibbs, doing business as Gibbs Express, 369 Main Street, West Haven, Conn. 06516, in Certificate of Registration No. MC-120488 (Sub-No. 1), issued March 23, 1964, evidencing the right to engage in transportation, as a common carrier, of general commodities (other than household goods and other than commodities which necessitate the use of dump trucks, tank trucks, or special equipment) for hire as a motor common carrier from its headquarters in West Haven, and upon call received at his

headquarters, between any points within Connecticut.

No. MC-FC-69540. By order of April 11, 1967, the Transfer Board approved the transfer to Wade Mobile Home Transport, Inc., 402 North 52d Street, Phoenix, Ariz., of the operating rights of Arizona Trailer Convoy, Inc., doing business as Arizona Trailer Convoy, 5301 East Van Buren, Phoenix, Ariz., in Certificate of Registration No. MC-121384 (Sub-No. 1), issued December 20, 1965, evidencing the right to engage in transportation, as a common carrier, of house trailers over the public highway within the State of Arizona, with base of operations at Chandler, Ariz.

No. MC-FC-69546. By order of April 11, 1967, the Transfer Board approved the transfer to Walden's Express, Inc., Old Lyme, Conn., of the operating rights in certificate No. MC-73375, issued May 12, 1949, to Myrick A. Walden, doing business as Walden's Express, Old Lyme, Conn., authorizing the transportation, over irregular routes, of Christmas trees from points in Berkshire and Hampshire Counties, Mass., to Old Saybrook, Conn., and points within 10 miles of Old Saybrook; household goods between Old Saybrook and points in Connecticut within 10 miles of Old Saybrook, on the

one hand, and, on the other, points in Massachusetts, Rhode Island, New York, and New Jersey; and sail and motor boats between Old Saybrook, New York, N.Y., and points within 10 miles of Old Saybrook, and those in New York on and south of U.S. Highway 1 between New York, N.Y., and the Connecticut-New York State line, and those on Long Island, N.Y. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., attorney for applicants.

No. MC-FC-69547. By order of April 11, 1967, the Transfer Board approved the transfer to Warren C. Shepard and Raymond Clairmont, a partnership, doing business as C & S Distributors, Missoula, Mont., of the operating rights in permit No. MC-125806, issued December 2, 1965, to William E. Seliski, Missoula, Mont., authorizing the transportation, over irregular routes, of malt beverages from St. Paul, Minn., to Butte, Anaconda, and Missoula, Mont., under contracts with named shippers. William E. Seliski, 665 Woodworth Avenue, Missoula, Mont., representative for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.[F.R. Doc. 67-4271; Filed, Apr. 18, 1967;
8:47 a.m.]

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